7442. Also, petition of the American Association of University Women, Washington, D. C., opposing the Barden bill (H. R. 7133); to the Committee on Labor.

7443. Also, petition of the Montana State Industrial Union Council, opposing amendments to the National Labor Relations Act; to the Committee on Labor.

7444. Also, petition of the New York Board of Trade, New York City, concerning House bill 8813 to amend the National Labor Relations Act; Senate bill 1032 to extend the Walsh-Healy Act; Senate bill 3580 to provide for the registration of investment companies, investment councillors; Senate bill 3046 to prevent pernicious political activities; to the Committee on Labor.

7445. Also, petition of the Washington League of Women Shoppers, opposing the Barden bill to amend the Fair Labor Standards Act; to the Committee on Labor.

7446. By Mr. LAMBERTSON: Petition of Roy Lee Cole and 291 other soldiers of Wadsworth, Kans., urging the enactment of House bills 7980 and 7950 into law to provide for disabled veterans and their dependents; to the Committee on World War Veterans' Legislation.

7447. By Mr. SCHIFFLER: Petition of the officers and members of Local Union No. 4006, United Mine Workers of America, Kingmont, W. Va., proposing amendments to the unemployment compensation law; to the Committee on Ways and Means.

7448. By Mr. WOLCOTT: Petition of Rev. D. A. Morris and 26 others, of St. Clair Shores, Mich., favoring Senate bill 517 designed to prohibit the advertising of alcoholic beverages over any American radio station; to the Committee on Interstate and Foreign Commerce.

7449. By the SPEAKER: Petition of the International Hod Carriers, Building and Common Laborers Union of America, Local 206, Ogden Building, Ogden, Utah, petitioning consideration of their resolution with reference to Work Projects Administration program; to the Committee on Appropriations.

7450. Also, petition of Post Office Clerks, Local 1109, Sam F. Fleming, secretary, petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

7451. Also, petition of the National Federation of Post Office Clerks, Local 1126, Thomas Gaughty, president, Rushville, Ind., petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

7452. Also, petition of Hotel, Restaurant and Tavern Employees' Union, Local No. 548, James F. Lague, president, petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

7453. Also, petition of the International Union, United Automobile Workers of America, Bendix Local No. 9, South Bend, Ind., petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

7454. Also, petition of the Amalgamated Association of Street Electric and Motor Coach Employees of America, division 996, George Binty, president, petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

7455. Also, petition of Public School No. 59, Buffalo, N. Y., petitioning consideration of their resolution with reference to the Polish Government, located in France, concerning relief; to the Committee on Foreign Affairs.

7456. Also, petition of Williamsburg Community Association, Brooklyn, N. Y., petitioning consideration of their resolution with reference to antialien bills; to the Committee on Foreign Affairs.

7457. Also, petition of the International Brotherhood of Electrical Workers, Local Union No. 217, Earnest Carr, President, and L. J. Colt, secretary, petitioning consideration of their resolution with reference to Work Projects Administration program; to the Committee on Appropriations.

7458. Also, petition of Printers Local No. 22, L. I. McGill, president, and Clyde W. Painter, secretary, petitioning consideration of their resolution with reference to Work Projects Administration program; to the Committee on Appropriations.

7459. Also, petition of the Automobile Dealers Association of Alabama, Birmingham, Ala., petitioning consideration of their Resolutions Nos. 1, 2, and 3, with reference to the Federal Trade Commission, the National Labor Relations Board, and the Wage and Hour Board, House bill 6342 and Senate bill 915; to the Committee on Labor.

7460. Also, petition of the Department of County Judges, Commissioners, and Supervisors, Pete Hughes, chairman, resolution committee, assembled in Houston, Tex., petitioning consideration of their resolution with reference to Federal lands from taxation; to the Committee on the Public Lands.

SENATE

TUESDAY, APRIL 16, 1940

(Legislative day of Monday, April 8, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, the Father of our Lord Jesus Christ, of whom the whole family in heaven and earth is named: Imbue us with the spirit of Thy dear Son, that we may understand His teachings and apply them wisely to the facts and circumstances of our daily life. In the midst of the world's confusion keep us steadfast in our faith, responsive in heart and mind, that we may rejoice in other people's joy and in every service we are called upon to render for the furtherance of truth. Bestow upon us all the gifts of kindness, generosity, courtesy, self-control, and, above all, those gifts that will engender happiness, freedom, and simplicity, gifts that will make our tired world grow young again. We ask it in the Saviour's name. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, April 15, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 1918. An act relating to the retired pay of certain retired Army officers;

S. 2348. An act relating to allowances to certain naval officers stationed in the Canal Zone for rental of quarters;

S. 2599. An act to amend the Naval Reserve Act of 1938 (Public, No. 732, 52 Stat. 1175);

S. 2661. An act to create a board of inspectors, Bureau of Marine Inspection and Navigation, at Miami, Fla.;

S. 2993. An act to authorize an exchange of lands between the city of San Diego, Calif., and the United States, and acceptance by gift of certain lands from the city of San Diego, Calif.;

S. 3067. An act authorizing appropriations to be made for the disposition of the remains of personnel of the Navy and Marine Corps and certain civilian employees of the Navy, and for other purposes;

S. 3174. An act to authorize the Secretary of the Navy to accept, without cost to the United States, a fee-simple conveyance of 16.4 acres, more or less, of land at Floyd Bennett Field in the city and State of New York;

S. 3440. An act to amend the Locomotive Inspection Act of February 17, 1911, as amended, so as to change the title of

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

the chief inspector and assistant chief inspectors of locomotive boilers; and

S. 3528. An act authorizing the adoption for the Foreign Service of an accounting procedure in the matter of disbursement of funds appropriated for the Department of State.

The message also announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H. R. 6693. An act to amend the provisions of law relating to the use of private vehicles for official travel in order to effect economy and better administration; and

H. R. 6901. An act granting increase of pensions to certain widows of veterans of the Civil War.

The message further announced that the House had agreed to the amendment of the Senate to the joint resolution (H. J. Res. 289) to amend section 5 of Public Law No. 360, Sixty-sixth Congress.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 1008. An act to confer to certain persons who served in a civilian capacity under the jurisdiction of the Quartermaster General during the War with Spain, the Philippine Insurrection, or the China relief expedition the benefits of hospitalization and the privileges of the soldiers' homes;

H. R. 2406. An act to provide for the adjustment of the status of planners and estimators and progressmen of the field service of the Navy Department;

H. R. 5918. An act amending Public Law No. 96 of the Seventy-fifth Congress, being an act entitled "An act amending section 2 of Public Law No. 716 of the Seventy-fourth Congress, being an act entitled 'An act to relieve restricted Indians whose lands have been taxed or have been lost by failure to pay taxes, and for other purposes' ";

H. R. 6796. An act to authorize the purchase of certain lands for the San Carlos Apache Tribe, Ariz.;

H. R. 7078. An act to authorize the acquisition by the United States of lands in Manchester and Jackson Townships of the county of Ocean and State of New Jersey for use in connection with the naval air station, Lakehurst, N. J.;

H. R. 7615. An act authorizing the Bradenton Co., its successors and assigns, to construct, maintain, and operate a toll bridge across Sarasota Pass, county of Manatee, State of Florida;

H. R. 7663. An act providing for sick leave for substitute postal employees;

H. R. 7733. An act to provide increased pensions for veterans of the Regular Establishment with service-connected disability incurred in or aggravated by service prior to April 21, 1898;

H. R. 7981. An act to grant pensions to certain unremarried dependent widows of Civil War veterans who were married to the veteran subsequent to June 26, 1905;

H. R. 8397. An act to extend the times for commencing and completing the construction of a bridge and approaches across the St. Louis River at or near the city of Duluth, Minn., and the city of Superior, Wis., and to amend the act of August 7, 1939, and for other purposes;

H. R. 8403. An act to convey certain lands to the State of Wyoming;

H. R. 8452. An act to declare Frankford Creek, Pa., to be a nonnavigable stream;

H. R. 8495. An act to extend the times for commencing and completing the construction of a bridge or bridges across the Mississippi River at or near the cities of Dubuque, Iowa, and East Dubuque, Ill., and to amend the act of July 18, 1939, and for other purposes;

H. R. 8500. An act authorizing the Secretary of War to execute an easement deed to the State of New Mexico for the use and occupation of lands and water areas at Conchas Dam and Reservoir project, New Mexico;

H. R. 8508. An act to amend the Subsistence Expense Act of 1926, as amended by the act of June 30, 1932 (ch. 314, sec. 209, 47 Stat. 405);

H. R. 8583. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Little Falls, Minn.;

H. R. 8650. An act granting the consent of Congress to the State Highway Department of South Carolina to construct, maintain, and operate a free highway bridge across the Great Pee Dee River, at or near Cashua Ferry, S. C.;

H. R. 8733. An act to clarify the employment status of special-delivery messengers in the Postal Service;

H. R. 8772. An act to amend the act of August 23, 1912 (37 Stat. 414; U. S. C., title 31, sec. 679);

H. R. 9185. An act to amend section 73 of an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended;

H. R. 9264. An act to provide for uniformity of allowances for the transportation of household goods of civilian officers and employees when transferred from one official station to another for permanent duty; and

H. J. Res. 490. Joint resolution providing for an annual appropriation to meet the share of the United States toward the expenses of the International Technical Committee of Aerial Legal Experts, and for participation in the meetings of the International Technical Committee of Aerial Legal Experts and the commissions established by that Committee.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 52), in which it requested the concurrence of the Senate, as follows:

Resolved by the House of Representatives (the Senate concurring), That sections 5 and 6 of House Concurrent Resolution 32, which passed the House of Representatives on the 31st day of July 1939, and the Senate on the 2d day of August 1939, establishing the Virginia (Merrimac)-Monitor Commission, is hereby amended to read as follows:

"SEC. 5. That the Commission shall on or before the 15th day of April 1942 make a report to Congress for such enabling legislation, if any, as the Congress may desire.

"SEC. 6. That the Commission hereby created shall expire within 4 years after the adoption of this concurrent resolution."

ENROLLED BILL SIGNED

The message also announced that the Speaker pro tempore had affixed his signature to the enrolled bill (S. 2505) to amend an act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress, approved June 18, 1929, so as to change the date of subsequent apportionment, and it was signed by the Vice President.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Downey	King	Schwellenbach
Ashurst	Ellender	Lee	Sheppard
Austin	Frazier	Lodge	Shipstead
Bailey	George	Lucas	Slattery
Bankhead	Gibson	Lundeen	Smathers
Barbour	Gillette	McCarran	Stewart
Barkley	Green	McKellar	Taft
Bone	Guffey	McNary	Thomas, Idaho
Bulow	Gurney	Maloney	Thomas, Okla.
Burke	Hale	Mead	Thomas, Utah
Byrd	Harrison	Minton	Tobey
Byrnes	Hatch	Murray	Townsend
Capper	Hayden	Neely	Tydings
Caraway	Herring	Norris	Vandenberg
Chandler	Hill	O'Mahoney	Van Nuys
Chavez	Holman	Overton	Wagner
Connally	Holt	Pepper	Walsh
Danaher	Hughes	Reed	White
Davis	Johnson, Calif.	Russell	
Donahey	Johnson, Colo.	Schwartz	

Mr. MINTON. I announce that the Senator from North Carolina [Mr. REYNOLDS] is absent from the Senate because of illness.

The Senator from Florida [Mr. ANDREWS], the Senator from Mississippi [Mr. BILBO], the Senator from Michigan [Mr. BROWN], the Senator from Idaho [Mr. CLARK], the Senators from Missouri [Mr. CLARK and Mr. TRUMAN], the Senator from Arkansas [Mr. MILLER], the Senator from Nevada [Mr. PITTMAN], the Senators from Maryland [Mr. RADCLIFFE and Mr. TYDINGS], the Senator from South Carolina [Mr.

SMITH], and the Senator from Montana [Mr. WHEELER] are detained on public business.

The Senator from Virginia [Mr. GLASS] is unavoidably detained.

Mr. AUSTIN. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from North Dakota [Mr. NYE] are necessarily absent.

The VICE PRESIDENT. Seventy-eight Senators have answered to their names. A quorum is present.

LETTER FROM THE PRESIDENT RELATIVE TO SUGAR LEGISLATION

Mr. HARRISON. Mr. President, I desire to have printed in the RECORD a letter addressed by the President to Chairman JONES, of the House Committee on Agriculture, relative to sugar legislation. In view of the importance of this subject and the widespread interest in it, I ask that the letter be printed in the RECORD at this point for the information of Senators.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE.
Washington, April 11, 1940.

DEAR MR. CHAIRMAN: Reference is made to your recent letters to the Departments of State, Interior, and Agriculture, requesting comments on the various bills with respect to sugar which were introduced in the Seventy-sixth Congress and are now pending before the House Committee on Agriculture. In accordance with your request, and since your committee is now holding public hearings on these measures, it is believed that you may wish to have at this time a summary of our views on the basic issues of public policy which are involved in this group of bills.

In reviewing the present sugar situation I have been gratified to note the great improvement in conditions that has taken place since the adoption of the sugar program 6 years ago. Domestic sugar producers are fortunately receiving incomes at approximately the parity level, and they are enjoying a large volume of production. The losses of sugar processors in the years preceding the program have been converted into profits; child labor has been greatly reduced; wages and working conditions for labor have been improved, and there has been brought about an important and greatly needed recovery in the market for our surplus products in the foreign countries from which sugar is imported into the United States. Furthermore, the world price of sugar has increased substantially.

I also find that under the existing provisions of the Sugar Act of 1937, domestic sugar producers and processors will receive price protection through the quota system for the full calendar year of 1940, and that domestic sugar-beet and sugar-cane growers will receive benefit payments on their 1940 crops even though the marketings of the sugar may extend well over into 1941. The seaboard cane-sugar refiners are protected for an indefinite period against competition of Philippine refiners under terms of the Philippine Independence Act, and they will continue to enjoy quota protection from the competition of Cuban refiners for the full calendar year of 1940. The tax on sugar will remain in effect until July 1, 1941. Consequently, it seems clear that no sugar legislation is necessarily required at this session of the Congress although it might be advisable to extend the life of the Sugar Act of 1937 for an additional period through a joint resolution of the Congress.

In considering the questions raised by these bills, I find myself again confronted with the fact that the basic problem of good government inherent in sugar legislation is to balance, practically and fairly, the directly conflicting interests of the various groups of American citizens concerned; the producers of sugar and the producers of export commodities, the farmers and the processors, the employers and labor, and the industry as a whole and consumers and taxpayers. These requirements of the general welfare indicate that at least three fundamental aspects of the major bills on sugar now pending before the House Committee on Agriculture should be given special consideration:

In the first place, several of the proposals would unavoidably bring about an impairment of the export market for surplus American agricultural and industrial products, and they would do so at a time when increased export outlets are so greatly needed. It is to be regretted that each increased acre of domestic sugar-beet and sugar-cane production inevitably results in a contraction of our export markets in an amount equal to the value of the product of several acres of our principal agricultural crops. A decrease in sugar imports would, therefore, require an unnecessary and painful readjustment and contraction in our production of export commodities. It would also injure the economic status of other American republics, to which we must look in increasing degree for enlarged outlets for the products of our own labor, land, and factories. It would strike a serious blow, particularly at the foreign marketing of such important surplus farm commodities of the United States as corn-hog products, rice, wheat, and cotton.

In the second place, some of these bills would discard the established basis of distribution of quotas among the various sugar-producing areas that was carefully developed by the Congress after considerable labor. In its report to the Congress in 1937, your committee stated that the quotas had been arrived at "after careful consideration of the history of production in each area and its present and future capacity to market." I believe that we all appreciate readily the natural desire of each producing area to enlarge its share of the market, but it would be most difficult to justify an abandonment of the existing distribution of quotas in favor of a new and arbitrary basis of allotments. It is also clear that a reshuffling of domestic quotas so as to discriminate against producers in the domestic insular areas would, under the special circumstances, hardly be a conscionable procedure. The people of the Territory of Hawaii and the possessions of Puerto Rico and the Virgin Islands are American citizens who compose some of those minority groups in our population with local governments that lack the protections of statehood. If this circumstance were not given adequate consideration, it would be possible to destroy by legislation the livelihood of our citizens in the insular parts of the United States through the enactment of discriminatory prohibitions against their products; and they would possess no legal power to take countermeasures in self-defense. Such a course of action, as I have pointed out on a previous occasion, would be tantamount to an imperialistic classification of citizens and a tyrannical abuse of minority rights that is utterly contrary to the American concept of fairness and democracy. Among the cases in point is the proposal to reinstate the former discrimination against the refining of sugar in the insular parts of the United States.

In the third place, the bills submitted to your committee include a proposal that would sacrifice the protection afforded consumers under existing legislation and substitute a sugar price standard requiring a reduction in total quota supplies to consumers to a point that would enhance sugar prices beyond the level required to give a majority of producers full parity returns. One of the principal objectives of the sugar program is to assure producers and others fair and reasonable incomes; but after that has been done, further increases in price would place an excessive burden of public protection for the sugar industry as a whole on agriculture, industry, consumers, and taxpayers.

Under the existing circumstances, with sugar producers enjoying approximately a parity level of income and a large volume of production, with labor being benefited by improved wages and working conditions, with sugar processors making substantial profits, and with a gratifying increase in our exports to foreign sugar-producing countries, I am confident that the House Committee on Agriculture will not recommend any bill that would impair the foreign outlets for our surplus products, run counter to the good-neighbor policy, discriminate among various groups of domestic producers and processors, or increase the burden on our consumers and taxpayers.

Very sincerely yours,

FRANKLIN D. ROOSEVELT.

Hon. MARVIN JONES,
Chairman, Committee on Agriculture, House of Representatives, Washington, D. C.

SUBCOMMITTEE TO STUDY OLD-AGE ASSISTANCE, FEDERAL OLD-AGE AND SURVIVORS' INSURANCE BENEFITS, ETC.

Mr. HARRISON. Mr. President, I ask unanimous consent to have printed in the RECORD the text of a resolution adopted this morning by the Senate Finance Committee.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Resolution adopted by Senate Finance Committee on April 16, 1940

Resolved, That the chairman of the committee is authorized to appoint a subcommittee of eight members, of whom three shall constitute a quorum, to make a full and complete study with respect to (1) the provisions of the Social Security Act, as amended, relating to old-age assistance and Federal old-age and survivors insurance benefits, and the Federal Insurance Contributions Act, (2) any bills relating to such matters referred to the committee during the Seventy-sixth Congress, and (3) any proposals dealing with related subjects which may be submitted to the subcommittee during the course of its study. The subcommittee shall report to the full committee as soon as practicable, together with its recommendations.

Mr. HARRISON. Pursuant to this resolution, I have appointed the following subcommittee:

The Senator from Georgia [Mr. GEORGE], chairman; the Senator from Texas [Mr. CONNALLY], the Senator from Virginia [Mr. BYRD], the Senator from Iowa [Mr. HERRING], the Senator from Colorado [Mr. JOHNSON], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Michigan [Mr. VANDENBERG], and the Senator from Delaware [Mr. TOWNSEND].

PETITIONS

The VICE PRESIDENT laid before the Senate resolutions of Painters Local Union No. 22 and Local Union No. 217, I. B. E. W., affiliated with the Ogden Building Trades Council, of Ogden, Utah, relative to the W. P. A. construction program, which were referred to the Committee on Appropriations.

Mr. FRAZIER presented the petition of 400 business and professional men, being citizens of Stark County, N. Dak., favoring the reemployment of 90 men dropped from the W. P. A. rolls and also no further curtailment in the number of workers employed under the W. P. A. in Stark County, N. Dak., which was referred to the Committee on Appropriations.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHIPSTEAD:

S. 3785. A bill to cancel the indebtedness resulting from certain feed loans, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. McCARRAN:

S. 3786. A bill to provide for the punishment of persons transporting stolen animals in interstate commerce, and for other purposes; to the Committee on the Judiciary.

By Mr. WAGNER:

S. 3787. A bill to grant relief from payment of income tax for back years to certain State employees paid by the United States; to the Committee on Finance.

By Mr. KING:

S. 3788. A bill to amend section 18 (U. S. C., title 46, sec. 817; 39 Stat. 735) of the Shipping Act of 1916 (U. S. C., title 46, sec. 801; 39 Stat. 728, ch. 451, approved September 7, 1916), and to amend section 5 (U. S. C., title 46, sec. 8456; 52 Stat. 964) of the Intercoastal Shipping Act (U. S. C., title 46, sec. 848; 47 Stat. 1425, ch. 199, approved March 3, 1933); to the Committee on Territories and Insular Affairs.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred, or ordered to be placed on the calendar, as indicated below:

H. R. 1008. An act to confer to certain persons who served in a civilian capacity under the jurisdiction of the Quartermaster General during the War with Spain, the Philippine Insurrection, or the China relief expedition the benefits of hospitalization and the privileges of the soldiers' homes; to the Committee on Finance.

H. R. 2406. An act to provide for the adjustment of the status of planners and estimators and progressmen of the field service of the Navy Department; and

H. R. 7078. An act to authorize the acquisition by the United States of lands in Manchester and Jackson Townships of the county of Ocean and State of New Jersey for use in connection with the naval air station, Lakehurst, N. J.; to the Committee on Naval Affairs.

H. R. 5918. An act amending Public Law No. 96 of the Seventy-fifth Congress, being an act entitled "An act amending section 2 of Public Law No. 716 of the Seventy-fourth Congress, being an act entitled 'An act to relieve restricted Indians whose lands have been taxed or have been lost by failure to pay taxes, and for other purposes'"; and

H. R. 6796. An act to authorize the purchase of certain lands for the San Carlos Apache Tribe, Arizona; to the Committee on Indian Affairs.

H. R. 7615. An act authorizing the Bradenton Co., its successors and assigns, to construct, maintain, and operate a toll bridge across Sarasota Pass, county of Manatee, State of Florida;

H. R. 8397. An act to extend the times for commencing and completing the construction of a bridge and approaches across the St. Louis River at or near the city of Duluth, Minn., and the city of Superior, Wis., and to amend the act of August 7, 1939, and for other purposes;

H. R. 8452. An act to declare Frankford Creek, Pa., to be a nonnavigable stream;

H. R. 8495. An act to extend the times for commencing and completing the construction of a bridge or bridges across the Mississippi River at or near the cities of Dubuque, Iowa, and East Dubuque, Ill., and to amend the act of July 18, 1939, and for other purposes;

H. R. 8500. An act authorizing the Secretary of War to execute an easement deed to the State of New Mexico for the use and occupation of lands and water areas at Conchas Dam and Reservoir project, New Mexico;

H. R. 8583. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Little Falls, Minn.; and

H. R. 8650. An act granting the consent of Congress to the State Highway Department of South Carolina to construct, maintain, and operate a free highway bridge across the Great Pee Dee River, at or near Cashua Ferry, S. C.; to the Committee on Commerce.

H. R. 7733. An act to provide increased pensions for veterans of the Regular Establishment with service-connected disability incurred in or aggravated by service prior to April 21, 1898; and

H. R. 7981. An act to grant pensions to certain unremarried dependent widows of Civil War veterans who were married to the veteran subsequent to June 26, 1905; to the Committee on Pensions.

H. R. 8403. An act to convey certain lands to the State of Wyoming; to the Committee on Public Lands and Surveys.

H. R. 8733. An act to clarify the employment status of special-delivery messengers in the Postal Service; to the Committee on Post Offices and Post Roads.

H. R. 9185. An act to amend section 73 of an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended; to the Committee on Territories and Insular Affairs.

H. R. 8508. An act to amend the Subsistence Expense Act of 1926, as amended by the act of June 30, 1932 (ch. 314, sec. 209, 47 Stat. 405); and

H. R. 9264. An act to provide for uniformity of allowances for the transportation of household goods of civilian officers and employees when transferred from one official station to another for permanent duty; to the Committee on Expenditures in the Executive Departments.

H. R. 8772. An act to amend the act of August 23, 1912 (37 Stat. 414; U. S. C., title 31, sec. 679); and

H. J. Res. 490. Joint resolution providing for an annual appropriation to meet the share of the United States toward the expenses of the International Technical Committee of Aerial Legal Experts, and for participation in the meetings

of the International Technical Committee of Aerial Legal Experts and the commissions established by that committee; to the Calendar.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 52) to amend House Concurrent Resolution 32, Seventy-sixth Congress, first session, establishing the Virginia (Merrimac)-Monitor Commission, was referred to the Committee on the Library.

AN ADEQUATE NAVY—ADDRESS BY SENATOR WALSH BEFORE DAUGHTERS OF THE AMERICAN REVOLUTION

[Mr. WALSH asked and obtained leave to have printed in the RECORD an address made by him before the Daughters of the American Revolution at Washington, D. C., on April 15, 1940, on the subject An Adequate Navy, which appears in the Appendix.]

ADDRESSES BY SENATOR GREEN AND HON. JAMES A. FARLEY AT JEFFERSON DAY DINNER, PROVIDENCE, R. I.

[Mr. MINTON asked and obtained leave to have printed in the RECORD addresses delivered by Senator Green and Hon. James A. Farley at the annual Jefferson Day dinner of the Democratic State committee held at Providence, R. I., April 14, 1940, which appear in the Appendix.]

"'DUE PROCESS' AND MR. JUSTICE BLACK"—ARTICLE BY RT. REV. MSGR. JOHN A. RYAN

[Mr. WAGNER asked and obtained leave to have printed in the RECORD an article entitled "'Due Process' and Mr. Justice Black," by Rt. Rev. Msgr. John A. Ryan, D. D., published in the Catholic World for April 1940, which appears in the Appendix.]

ADDRESS BY MILO PERKINS ON THE CHALLENGE OF UNDERCONSUMPTION

[Mr. MEAD asked and obtained leave to have printed in the RECORD an address on the subject of the challenge of underconsumption, delivered by Milo Perkins, president of the Federal Surplus Commodities Corporation, at Des Moines, Iowa, February 24, 1940, which appears in the Appendix.]

UNEMPLOYMENT—ARTICLE BY CHARLES G. ROSS

[Mr. SCHWARTZ asked and obtained leave to have printed in the RECORD an article from the Washington (D. C.) Evening Star of Monday, April 15, 1940, by Charles G. Ross, on the subject of unemployment, which appears in the Appendix.]

CIVIL AERONAUTICS AUTHORITY

[Mr. MCCARRAN asked and obtained leave to have printed in the RECORD a letter from David L. Behncke, president of the Air Line Pilots' Association; two articles appearing in the American Aviation Daily; an article by David Lawrence, published in the Washington Evening Star of April 15, 1940; and an article by Drew Pearson and Robert S. Allen, published in the Washington Times-Herald of April 16, 1940; all relating to the Civil Aeronautics Authority, which appear in the Appendix.]

TRANSFER OF CIVIL AERONAUTICS AUTHORITY TO DEPARTMENT OF COMMERCE

[Mr. MCCARRAN asked and obtained leave to have printed in the RECORD the following editorials on the subject of the transfer of the Civil Aeronautics Authority to the Department of Commerce: From the New York Times of April 13, 1940; from the Washington (D. C.) Post of April 13, 1940; from the Washington (D. C.) Evening Star of April 12, 1940; and from the Washington (D. C.) Evening Star of April 15, 1940, which appear in the Appendix.]

EDITORIAL FROM NEW YORK POST ON THE LABOR BOARD

[Mr. WAGNER asked and obtained leave to have printed in the RECORD an editorial from the New York Post of April 8, 1940, entitled "The Labor Board," which appears in the Appendix.]

ARTICLE BY H. ELIOT KAPLAN ON POLITICAL NEUTRALITY OF THE CIVIL SERVICE

[Mr. HATCH asked and obtained leave to have printed in the RECORD an article by H. Eliot Kaplan, entitled "Political Neutrality of the Civil Service," published in the Public Personnel Review of April 1940, which appears in the Appendix.]

APPOINTMENT OF ADDITIONAL DISTRICT AND CIRCUIT JUDGES

The Senate resumed the consideration of the bill (H. R. 7079) to provide for the appointment of additional district and circuit judges.

The VICE PRESIDENT. When the Senate took a recess yesterday, the Senator from Kansas [Mr. REED] had the floor; and it was the understanding that he would have recognition today.

Mr. REED. Mr. President, the unfinished business at the close of yesterday was a bill to create additional circuit and district judgeships, as amended by the Senate. I joined with the majority leader and the minority leader in their desire to terminate proceedings as early as possible today; and I, myself, desire, in accordance of that understanding, to save all the time I can.

I have three amendments, which I send to the desk at one time, and ask to have stated.

The VICE PRESIDENT. Without objection, the amendments will be stated at this time.

The CHIEF CLERK. On page 2, line 12, it is proposed to strike out "six" and insert in lieu thereof "five"; and in line 15 to strike out "district of New Jersey."

Also, on page 2, line 12, it is proposed to strike out "six" and insert in lieu thereof "five", and in lines 14 and 15 to strike out "Southern district of California, district"; and insert in lieu thereof "District."

Also, on page 2, line 12, it is proposed to strike out "six" and insert in lieu thereof "five"; and on page 2, line 16, to strike out "eastern district of Pennsylvania."

Mr. REED. Mr. President, again to save time, I send to the desk and ask to have lie on the table, pending their insertion in the RECORD, three tables which I have prepared.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. REED. Mr. President, I shall talk from those tables, copies of which were distributed in the Senate Chamber last Friday. If any Member has not a copy of the table relating to any amendment in which he has an interest, I shall be very happy to supply him a copy at this time. I am taking this course, to which I hope no objection will be raised, in an effort to finish my discussion of the amendments in about a half hour. That will give Senators who entertain other views a chance to express those views. Furthermore, in connection with what I have said I wish to state that, in order to save time, I shall not ask for a yea-and-nay vote on the amendments, and I shall not raise any question of a quorum during the consideration of the amendments. I shall, however, move to recommit the bill after the amendments shall have been disposed of, and upon that motion I desire a record vote.

The VICE PRESIDENT. The question is on agreeing to the first amendment offered by the Senator from Kansas.

Mr. REED. Mr. President, these statements are before every Senator who desires to be informed. As I have repeatedly stated, I have caused an analysis to be made of the business of every district for which an additional judge is allowed by this bill. The first amendment relates to New Jersey. I desire very briefly to discuss the New Jersey situation.

Four judges are authorized in that district. The whole State of New Jersey is one district. For some time a vacancy existed in that district because of the failure of the President to appoint, due to the fact that he was unable to get the senior Senator from New Jersey [Mr. SMATHERS] and the mayor of Jersey City, Mr. Frank Hague, to agree as to who should be appointed. However, that vacancy has been filled.

The salient points of the New Jersey statement as to the business of that district are as follows:

At the beginning of 1930 there were 895 criminal cases pending. Please bear in mind that there are four judges. On the 30th of June 1939 there were 480 cases on the docket, less than half of the number of cases of that particular class 10 years before.

Of civil cases to which the United States is a party, on June 30, 1930, there were 1,142 cases pending. On June 30, 1939, there were 412 such cases pending, about one-third of the number 10 years before.

Of other civil cases in which both parties are private citizens, and which by general agreement are the most important cases and take most of the time of the average court, in 1930 there were 796 cases pending, and on June 30, 1939, there were 588 cases pending. I do not refer to the bankruptcy cases, because they are largely handled by referees anyway, and it has been repeatedly stated by distinguished lawyers that as a rule bankruptcy cases do not require much of the time of the court.

Mr. President, I have shown the improvement in the business of the New Jersey district in 10 years. It is true that there was a congestion in that district along about 1934, 1935, and 1936; but that condition has steadily improved. For example, in 1935, there were 1,158 civil cases pending. In 1936 there were 1,185 civil cases pending. In 1937 there were 934 civil cases pending. In 1938 there were 635; and at the end of 1939, notwithstanding, there were only three judges there, because of the vacancy which was not filled, there were 588 civil cases pending. Since New Jersey presents a peculiar situation, I have asked the Attorney General's office to give us information as nearly up to date as he could supply it. The data show that, whereas on June 30 of last year, there were 480 criminal cases pending, an average of 120 for each judge. On February 29 this year, the last date for which I could obtain official reliable information, there were 401 cases pending, 100 cases for each judge. Of the United States civil cases, on June 30, the other statement shows, there were 401 cases pending, and on February 29 this year, there were 353 cases pending; that is, the average for each judge last June 30 was 103, and the average for each judge on February 29, this year, was 88. The number of the other civil cases has slightly increased, from 588 to 641, which means an increase for each judge of from 147 to 155.

Mr. President, I ask consent to have a copy of the statement, which is taken from the records of the Attorney General's office, inserted in the RECORD at this point in my remarks, together with the long statement which I send to the desk, so far as it relates to New Jersey.

The PRESIDING OFFICER (Mr. BURKE in the chair). Is there objection?

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

Cases pending in United States District Courts, District of New Jersey, 4 judges

Year ending—	Criminal		United States civil		Other civil		Bankruptcy	
	Total cases	Average per judge	Total cases	Average per judge	Total cases	Average per judge	Total cases	Average per judge
June 30, 1939	480	120	412	103	588	147	1,804	451
July 1, 1939, to Feb. 29, 1940	401	100	353	88	621	155	1,599	400

Authority: Reports of the Department of Justice.

10-year analysis of cases, by classes, filed, terminated, and pending in United States District Court, District of New Jersey, 4 judges

	Criminal				United States civil				Other civil				Bankruptcy			
	Cases pending beginning of fiscal year	Filed	Terminated	Cases pending end of fiscal year	Cases pending beginning of fiscal year	Filed	Terminated	Cases pending end of fiscal year	Cases pending beginning of fiscal year	Filed	Terminated	Cases pending end of fiscal year	Cases pending beginning of fiscal year	Filed	Terminated	Cases pending end of fiscal year
1930	1,029	912	1,046	895	1,445	1,182	1,485	1,142	688	632	524	796	1,858	1,275	1,003	2,130
1931	895	1,124	1,197	822	1,142	1,556	1,575	1,120	796	727	606	917	2,130	1,551	1,293	2,388
1932	822	1,558	1,911	469	1,120	2,106	2,004	1,222	917	726	571	1,072	2,388	1,875	1,199	3,064
1933	469	1,779	1,751	497	1,222	1,685	1,485	1,422	1,072	871	777	1,166		1,814	1,894	2,984
1934	497	470	729	238	1,422	525	994	953	1,166	1,090	962	1,294	2,984	1,572	1,679	2,877
1935	238	425	349	314	953	584	583	[1] 954 / [2] 1,121	1,294	782	731	[1] 1,345 / [2] 1,158	2,877	1,548	2,189	2,236
1936	314	373	332	355	1,121	449	585	985	1,449	824	1,088	1,185	2,236	1,691	1,454	2,473
1937	355	336	287	404	985	200	394	881	1,185	478	729	934	2,473	1,729	2,045	2,157
1938	404	439	405	438	881	390	744	527	934	510	809	635	2,157	1,738	1,864	2,031
1939	438	369	327	480	527	331	446	412	635	537	584	588	2,031	1,394	1,621	1,804
Total		7,785	8,334			9,098	10,295			7,177	7,381			16,187	16,241	

[1] Our figure which is correct.
[2] 1935 cases pending error in book, but must be followed to make years following tally.

Authority: Reports of the Attorney General of the United States.

Mr. REED. Mr. President, I also ask unanimous consent to have inserted in the RECORD two editorials from the Newark News dealing with this judgeship situation. I am not a lawyer; I am a newspaperman, and I know more about newspapermen, thank God, than I do about lawyers. The Newark News is the largest newspaper in New Jersey, and among newspapers has a very high reputation for integrity, and for fidelity to the public interest. I ask unanimous consent to have inserted in the RECORD at this point the editorials to which I have referred.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Newark Evening News of March 18, 1940]

THAT FIFTH JUDGE

Pressure for the creation of a fifth United States district court judge for New Jersey has been constant for the last 2 years. This pressure has come from within the Congress and from without. These previous attempts to add to the judicial establishment failed. But now the House has adopted and sent to the Senate an omnibus bill, designed by and for logrollers, under the provisions of which 10 new judges would be appointed, 1 of whom would be assigned to New Jersey. The chief argument for the new judgeship in this State is that criminal and civil dockets are congested "alarmingly."

Crowded calendars may be attributed directly to the delay in appointing a successor to Judge Clark on the district bench. And what and who were responsible for that delay? Politics and politicians, namely, Senator SMATHERS and Mayor Hague. They could not agree on a nominee, and so 18 months intervened between Judge Clark's elevation and the appointment of Judge Walker as his successor. Meantime cases accumulated, and the very delay which had its origin in politics has been used by Democratic Congressmen from New Jersey to help steer the omnibus bill through the House.

As to those congested dockets, Senior Judge Biggs, of the third circuit, has assigned three members of his court to sit in New Jersey and to dispose of 200 pending criminal cases. Judge Biggs himself is sitting in Camden to facilitate clearance. Judges from districts less pressed might be brought into the jurisdiction to dispose of civil litigation.

Why, then, a fifth judge?

[From the Newark Evening News of April 5, 1940]

THAT "RIDICULOUS" JUDGESHIP

Senator REED (Republican), of Kansas, objects to the House omnibus bill creating 10 new Federal judges, of which 1 would go to New Jersey—a fifth district judgeship here, for which no convincing need has been shown. The Kansas Senator told the Senate that an additional judgeship in New Jersey was "ridiculous, because Senator SMATHERS intimated on the Senate floor that a Federal judgeship there was vacant for almost a year because SMATHERS and Frank Hague couldn't agree on an appointment."

Just so. Mr. REED points out that there have been ninety-odd judges appointed under the Hoover and Roosevelt administrations, and that "I'm going to fight this thing every way I know how." Of the creation of judgeships there seems to be no end.

As concerns New Jersey, the question recurs: Why a fifth judge? Senator REED has the answer—logrolling.

Mr. REED. As I stated, Mr. President, I am trying to save the time of the Senate so that Senators who desire to get

away may be able to do so promptly. Without asking for a roll call upon the amendment relating to the New Jersey court, I wish to proceed to discuss the southern California amendment. I am doing this only for the purpose of saving time, and in the hope of accommodating Senators on the other side.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. REED. I yield.

Mr. ASHURST. Whatever the Senator may say is agreeable to me. The Senator is secure from my prejudice. Any one who fights so fairly and vigorously as does the Senator from Kansas is secure from my prejudice at least.

Mr. REED. I thank the gracious Senator from Arizona very much for his kindness. He is always kind. What I am trying to do now is to save the time of the Senate.

Among the statements I have sent to the desk is one which shows the business of the court of the southern district of California. I invite the particular attention of the Senator from Nevada [Mr. McCARRAN] to this. He went to California and made a report to the Committee on the Judiciary. Has the Senator a copy of this statement?

Mr. McCARRAN. Yes; the Senator from Kansas gave me a copy quite early.

Mr. REED. I have tried to supply every Senator who might have any interest in the matter with a copy so that he might secure any information he desired.

Mr. ASHURST. The Senator is now discussing the California case?

Mr. REED. I shall proceed to discuss the California matter. Of course, we are hoping no one will make any very long speeches, because if that happens I am afraid we will not get away by 1:30.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. REED. I yield.

Mr. ASHURST. The Senator knows that the Senate Committee on the Judiciary laid certain burdens on its various members, and the Senator from Nevada [Mr. McCARRAN], a member of the committee, was appointed by the chairman of the committee to go to California to make an investigation. At great trouble to himself he performed that task in a most commendable way. The work he did was laborious, and he submitted to the committee quite an elaborate report.

While I happen to know much about the need for an additional judge in southern California, I have no such wealth of information on the subject, as has the able Senator from Nevada [Mr. McCARRAN], who, at the proper time, I am sure, will secure recognition and lay before the Senate the various facts.

Mr. REED. Mr. President, the Senator from Nevada and I discussed this matter on the floor last year. I stated then that I made no objection to the provision for an additional judge for southern California. I do make an objection now.

Let me say to the distinguished Senator from Arizona, being one of his constituents, that I have been in Los Angeles many times myself, and I know the lights there are bright and dazzling, and they might confuse the eyes of even an honest man. The fact is, the more honest he is the more dazzled he is likely to be. I have been greatly dazzled myself. It is barely possible that the Senator from Nevada may have been.

Mr. ASHURST. Mr. President——

Mr. REED. I beg the Senator not to ask me to yield. I am trying to save the time of the Senate.

The PRESIDING OFFICER. The Senator from Kansas declines to yield.

Mr. REED. I am not declining out of any desire to be discourteous. I join the majority and minority leaders in seeking to have the matter concluded by 1:30.

If I may have the privilege, or if the Senator from Connecticut may have it, if he prefers, my wish is that when we offer a motion to recommit, which we shall do, there may be about 10 minutes for discussion. Therefore I am trying to conclude with the discussion of the amendments by, say, 1:15 or 1:20.

In southern California there are seven judges. Congress has been giving the southern district of California an additional judge about every year or every other year, until there are now seven judges in that district. I shall read the figures as to the maximum number of cases in that district in any year in the last 10 years, and the condition of the docket on June 30 last. This is the best information I have been able to obtain.

I do not contend, any more than does Judge Otis, that it is possible absolutely to determine the work of a district or of a number of judges by the number of cases. It is a broad, sweeping kind of measurement. As Judge Otis well said, it will not measure one thirty-second of an inch, but it will measure a mile, and we have traveled many miles in allowing additional judges for southern California.

Mr. President, I shall start on the table of figures which is on the desk, and I ask the Chair to recall that I should like to have the tables printed in the order in which I discuss the various districts. Otherwise I would have kept them separate.

I ask that the statement as to California be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

10-year analysis of cases, by classes, filed, terminated, and pending in United States District Court, District of Southern California, 7 judges

	Criminal				United States civil				Other civil				Bankruptcy			
	Cases pending beginning of fiscal year	Filed	Terminated	Cases pending end of fiscal year	Cases pending beginning of fiscal year	Filed	Terminated	Cases pending end of fiscal year	Cases pending beginning of fiscal year	Filed	Terminated	Cases pending close of fiscal year	Cases pending beginning of fiscal year	Filed	Terminated	Cases pending end of fiscal year
1930	----------	477	1,170	602	369	333	194	508	793	428	477	744	1,885	2,056	2,138	1,803
1931	602	1,347	1,318	631	508	625	368	765	744	608	462	890	1,803	2,357	1,993	2,167
1932	631	1,438	1,443	626	765	795	488	1,072	890	696	506	1,080	2,167	2,449	2,101	2,515
1933	[1]	1,302	1,302	608	1,072	583	637	1,018	1,080	691	715	1,056	2,515	2,408	2,511	2,412
1934	608	843	1,072	379	1,018	175	420	773	1,056	605	637	1,024	2,412	2,624	2,552	2,484
1935	379	801	768	412	773	213	330	[2] 656 [3] 673	1,024	619	615	[2] 993	2,484	3,399	3,011	2,872
1936	412	686	780	318	673	245	388	530	993	532	734	791	2,872	2,499	2,999	2,372
1937	318	754	784	288	530	234	319	445	791	466	580	677	2,278	2,393	2,494	2,177
1938	288	647	731	204	445	249	366	328	677	425	555	547	2,177	2,546	2,416	2,307
1939	204	808	816	196	328	304	399	233	547	400	486	461	2,307	2,658	2,290	2,675
Total	----------	9,103	10,184	----------	----------	3,756	3,909	----------	----------	5,470	5,767	----------	----------	25,389	24,505	----------

[1] Not listed.
[2] Our figure which is correct.
[3] 1935 cases pending error in book, but must be followed to make years following tally.
[4] Pending figures different from those shown in annual report 1936. Revised error in figures previously recorded.

Authority: Reports of the Attorney General of the United States.

Mr. REED. Mr. President, the highest number of criminal cases in the last 10 years pending on the docket in southern California was in 1931, when 631 such cases were pending. At the end of the last fiscal year 196 were pending.

If we take United States civil cases, we find that the highest number of such cases pending at any one time was in 1932. At the end of the last fiscal year 233 were pending. The highest number of civil cases pending at any time was in 1932, when 1,080 were pending.

I now wish to read a statement of the figures, by years, of the civil cases, which everyone agrees comprise the most important business a Federal court has to handle. In 1932 there were 1,072 such cases; in 1933 there were 1,018, and in 1934 there were 773.

In connection with the statement to which I am referring an explanation is necessary for 1935. We found an error in the records of the Attorney General, and the officials of his office agreed that it was an error. It is one of those things which just happen. So two figures are used, and I wish to be fair and read them both. The statement furnished by the Attorney General's office, which I think is in error in this particular, shows that there were 673 cases in 1935. The correct number, which upon analysis the Department of Justice agreed with my secretary, who went over the matter, was correct, was 656. Be that as it may, there is not much difference.

In 1936 there were 530 United States civil cases. In 1937 there were 445; in 1938 there were 328, and in 1939 there were 233.

I had intended to read figures as to the other civil cases. The highest figure of the purely civil cases, in which both parties were civil litigants, was in 1932, when there were 1,080 such cases.

In 1933 there were 1,056; in 1934 there were 1,024; in 1935 there were 993; in 1936 there were 791; in 1937 there were 677, and in 1938 there were 547.

At the end of the last fiscal year, with 7 judges, there were 461 civil cases pending. Can anyone, I do not care whether he be a United States Senator, or a member of the F. B. I., or a prosecuting attorney, or judge, or anyone else, find necessity for adding to 7 judges, when, as shown by the dockets in that district last year there were pending only 196 criminal cases, 233 United States civil cases, and 461 purely civil cases?

The improvement in the California situation, with the addition of the judges already allowed, has been remarkable. I inform the distinguished chairman of the Judiciary Committee and the Senator in charge of the bill that probably later in the session I shall bring up a further study of this situation. There are districts in the United States with two and three judges which have more business than has the southern California district with seven judges. I have disregarded the bankruptcy cases. They are heard by referees. But I want to say to the distinguished Senator from Nevada [Mr. McCARRAN] and the very able Senator from New Mexico [Mr. HATCH] that we did not fail to look into that. We found a number of districts with three or four judges which had more bankruptcy cases pending than did the southern California district with seven judges.

Mr. President, I now want to discuss the third amendment.

Mr. McCARRAN. Mr. President, does the Senator wish to be interrupted? I desire to give a few enlightening statements to the Senate pertaining to the southern California district. I do not care to interrupt the Senator unless he would prefer an interruption at this time.

Mr. REED. Mr. President, I said that I presented these three amendments together rather than separately merely to save the time of the Senate. The Senator from Nevada can make his statement in his own time, or he may interrupt me now if he chooses.

Mr. McCARRAN. I think the Senator would be very much enlightened by an authentic statement made by one of the judges of the district of southern California while every judge of the district was present. The statement was made on the 15th day of May 1939, at which time I made the investigation with respect to the district of southern California. I wish to read the statement of cases and proceedings then pending made by the presiding judge, Judge James, whose integrity is beyond all question.

Mr. REED. The Senator from Nevada understands, does he not, that the figures I have used in every case have been obtained from the Department of Justice.

Mr. McCARRAN. I understand that; but I am going to give to the Senate first-hand, from an authentic source, the very best evidence that can be obtained. I read Judge James' statement as follows:

Judge JAMES. If the other judges have covered the ground, I want to give just a few figures. I have prepared a statement showing the filings for a year of civil and criminal. In connection with that, I have a little statement here which I will ask the reporter to copy into the record and then I won't need to go into it particularly.

(The statement above referred to is as follows:)

"STATEMENT OF CASES AND PROCEEDINGS FILED IN THE DISTRICT COURT OF THE SOUTHERN DISTRICT OF CALIFORNIA FROM MAY 1, 1938, TO MAY 1, 1939

"Civil (including equity)	731
"Criminal	772
"Total civil and criminal	1,503
"Reorganization	28
"Bankruptcy	2,643
"Total	2,671
"Total cases filed	4,174

"Estimates of the time required to handle the 1,503 civil and criminal cases filed for the year from May 1, 1938, to May 1, 1939, may be made with approximate certainty as to the result. First, calculating the available trial days in a year, we exclude Mondays, as the law and motion calendars and all short matters are heard by each of the judges on that day; then, if we calculate the remaining open week time up to Saturday noon, it will show the total available trial time for each judge to be 220 days in a year (excluding the month of August, which is considered a vacation month).

"Now, if the court were supplied with 7 judges, the total trial time available for all judges would amount to 1,540 days in the year. Many cases, such as the numerous patent suits on the civil side, and mail-fraud cases on the criminal side, often occupy weeks of a judge's time. The general average of the ordinary civil trial would be at least 2 days; hence it is fair to estimate that 7 judges would try 770 cases per year. With a total of 1,503 civil and criminal cases filed during the past year, it is quite apparent that that number could not be disposed of under 1½ years, making due allowance for the number that would not reach trial.

"Judges should be allowed reasonable periods off the bench to work in chambers on submitted cases and matters. In patent cases, especially, there are invariably offered many prior patents, and hours of time are required to study and analyze them. Tax suits by and against the United States require much study as well. If hasty decisions are made, the appeals will be increased in number, and reversals will be more frequent, with the result that second trials must be had. There is great need, too, that the judges be provided with law secretaries, who could aid greatly in handling chamber work.

"Regular trial sessions of the court are held twice each year at Fresno and San Diego, with intervening motion days. These sessions at a minimum will each last from 4 to 7 weeks. Our district includes the 17 southern counties.

"In the above no account has been taken of reorganization matters under the Bankruptcy Act, or bankruptcy proceedings proper. It is the common experience of the judges that reorganization proceedings occupy far more than a total of 3 or 4 days of a judge's time. In the bankruptcy matters, while the referees conduct the larger part of the administration, there are constantly review proceedings brought from orders made by the referees, and these proceedings take up a great deal of time in the aggregate."

In that respect the judge made no mention of the cases that would normally be filed during the year while these 1,503 cases were being tried.

Let me draw to the attention of the able Senator from Kansas the fact that for amount of business the southern district of California has no equal in the United States. It has a population which, in my opinion, the census will show to be very close to 5,000,000. It has varied industries, and for some reason or other it has had more than its share of mail-fraud cases. That is probably due to the rapid influx of population.

Mr. President, I am not boosting southern California. I am presenting to the able Senator from Kansas only the result of a careful study made by me of the situation there as

regards the business of the Federal court. I have here—and I wish it might be inserted in the RECORD—a copy of the proceedings conducted by me in California when every one of the trial judges of the Federal court in the southern district of California was present and gave his statement, which reveals to the Senate that the southern district of California could not only use 8 judges but it could use 10 judges, because the business warrants such an addition to the number of judges.

Let me say to the able Senator from Kansas that human endurance is a thing which reaches a limit. When a man is placed on the bench or in his chambers and he is expected to work from 12 to 18 hours a day, one cannot expect him to carry on at that rate interminably. Human nature gives out after a time.

I have a statement in my hand which shows that the seven judges now on the Federal bench in the southern district of California, which extends from the northern line of Fresno County in central California to the Mexican line in southern California, are working from 15 to 18 hours a day. Such hours of work simply cannot be continued. Why make slaves out of public servants who render the highest degree of efficient service in all the intricacies of our Government?

Mr. HATCH. Mr. President, will the Senator yield right there?

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from Kansas yield to the Senator from New Mexico?

Mr. REED. I yield.

Mr. HATCH. I ask the Senator from Nevada if the work performed by the judges of this country relates only to quantity of work and hours, or does quality have some relation to it?

Mr. McCARRAN. Most certainly, if the Senator from Kansas will pardon me again, the quality of work is all important. Let me draw to the attention of the able Senator from Kansas a chapter of history which applies to southern California, when the district courts were called upon to try and determine the legality of certain oil claims in southern California, in which the Federal Government was involved. Some of those cases took many weeks to try. So quality in matters of that kind speaks far more than quantity. I say again to the able Senator from Kansas, for whose solicitude in this regard I have great respect, that southern California should have 10 trial judges instead of 8.

Mr. REED. Mr. President, frequent reference has been made to the report of the judicial conference, and it has been very frequently and freely stated by the distinguished Senator from Arizona [Mr. ASHURST], who does not happen to be present in the Chamber at the moment, and by the Senator from New Mexico [Mr. HATCH] that the Judiciary Committee has not been able to follow entirely the recommendations of the judicial conference.

In that attitude I concur, and I wish to give the reason for doing so.

The next phase of the question which I shall discuss—having to do with the last of the three amendments which I sent to the desk—is the eastern district of Pennsylvania.

On page 5 of the report of the judicial conference, at its September session, 1939, the conference reported as follows:

> The Attorney General also states that the following districts, which showed arrears a year ago, now report that the dockets are current.

Mr. President, after declaring that the docket in the eastern district of Pennsylvania was up to date—using the language, "now reports that the dockets are current"—on page 7 the judicial conference recommends an additional judge for the eastern district of Pennsylvania. I do not care if the recommendation is made by the Chief Justice of the United States and the senior circuit judges; those two things are inconsistent. On one page there is a finding that the docket of a district is up to date, and on the second page following there is a recommendation for an additional judge for that district.

I do not blame the Judiciary Committee for not taking the recommendation of the judicial conference. I do not wish to repeat, but I have referred to Judge Otis' comment that the judicial conference itself is frequently misled, because it is human. We have a direct example from the last report of the regular conference. I think an extra session has been held since that time, which has nothing to do with this question.

The judicial conference, presided over by the Chief Justice, meets in September every year, and last September it found that the business in the eastern district of Pennsylvania was current, and yet on the second page following it recommends an additional judge.

I do not know how to reconcile those things. I can well understand that the Committee on the Judiciary may have difficulty.

Mr. President, I ask unanimous consent to have the table relating to Pennsylvania printed in the RECORD at this point.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The table is as follows:

10-year analysis of cases, by classes, filed, terminated, and pending in United States District Court, District of Eastern Pennsylvania, 4 judges

	Criminal				United States civil				Other civil				Bankruptcy			
	Cases pending beginning of fiscal year	Filed	Terminated	Cases pending end of fiscal year	Cases pending beginning of fiscal year	Filed	Terminated	Cases pending end of fiscal year	Cases pending beginning of fiscal year	Filed	Terminated	Cases pending end of fiscal year	Cases pending beginning of fiscal year	Filed	Terminated	Cases pending end of fiscal year
1930	343	803	746	400	776	722	903	595	1,540	417	591	1,366	1,565	1,045	821	1,789
1931	400	553	741	212	595	583	643	535	1,366	442	439	1,369	1,789	1,205	846	2,148
1932	212	421	436	197	535	522	543	514	1,369	535	308	1,596	2,148	1,339	1,098	2,389
1933	197	1,154	665	686	514	499	576	437	1,596	413	469	1,540	2,389	1,322	1,115	2,596
1934	686	298	862	122	437	272	362	347	1,540	476	460	1,556	2,596	797	1,440	1,953
1935	122	425	377	170	347	415	421	[1] 393	1,556	459	416	[1] 1,505	1,953	732	860	1,825
1936	170	452	423	199	393	276	337	332	1,575	617	631	1,561	1,825	598	814	1,609
1937	199	510	451	258	332	179	188	323	1,561	435	398	1,598	1,609	592	725	1,476
1938	258	379	440	197	323	298	412	209	1,598	536	539	1,595	1,476	533	600	1,409
1939	197	370	383	184	209	221	215	215	1,595	503	815	1,283	1,409	525	616	1,318
Total		5,365	5,524			3,987	4,600			4,833	5,066			8,688	8,935	

[1] 1935 cases pending error in book, but must be followed to make years following tally.

Authority: Reports of the Attorney General of the United States.

Mr. REED. Mr. President, I have repeatedly told the same story. I am under no illusions. There are sufficient votes on the other side to defeat all my amendments, and that is perfectly all right with me. All I am doing is making a record for the information of the people of the United States, to the very best of my ability, without any prejudice or bias, and without any feeling except a general knowledge that we have about 25 more district judges than we need.

I hope that when the administrator appointed by the Supreme Court goes into action—and I have conferred with his office in this connection—it will be possible so to arrange the work of the various courts so that it may be carried on without delay, without confusion, and with a smaller number of judges than we now have. I cannot reconcile my conscience to allowing additional judges, when during the past 20 years we have allowed 87 additional district judges

and 22 additional circuit judges, although litigation has declined in that time, and although there is today, on the docket of every district for which the bill provides an additional judge, less business than at any time in 10 years. How in heaven's name we are justified in authorizing additional judges, I cannot understand.

Mr. President, I wish to call attention to a few figures in connection with the Pennsylvania situation, and then I shall yield the floor to Senators who do not agree with me.

I ask unanimous consent that at 1:20 o'clock p. m. I may have 10 minutes in which to discuss the motion to recommit. I shall conclude in 2 or 3 minutes, and Senators who are opposed to me may have the remainder of the time until 1:20.

The PRESIDING OFFICER. Is there objection to the request of the junior Senator from Kansas that, beginning at 1:20 o'clock he be given 10 minutes to discuss a motion to recommit the bill? The Chair hears none, and it is so ordered.

Mr. REED. Mr. President, I have done my part today. I have gone as fast as I could.

With respect to criminal cases in the eastern district of Pennsylvania, the high-water mark was reached in 1933, when national prohibition was in effect. There were 686 cases pending. On June 30 last there were 184 cases pending. That district has 4 judges, and the recent vacancy there has been filled.

With respect to United States civil cases, the high-water mark was reached in 1930, when 595 cases were pending at the end of the fiscal year. Let me read the figures on United States civil cases for the past 4 years. In 1936 there were 332 pending at the end of the year; in 1937, 323; in 1938, 209; and in 1939, 215. That is a little more than 50 cases pending for each judge. No judge in a district of any consequence can ever get his docket clear. If he does not have more than 50 cases on his docket, he probably feels lost.

With respect to other civil cases, I show on this statement the business for 10 years. The high-water mark was reached in 1936, when 1,598 cases were pending at the end of the fiscal year. At the end of the last fiscal year, June 30, 1939, there were 1,283 cases pending. That is the lowest number that has been pending in the eastern district of Pennsylvania in any year since, including 1930.

In order to bring the matter a little closer down to date, I asked the Department of Justice to bring it down to February 29, as it has done in the case of New Jersey. I find a startling improvement in the condition. I am now reading the total number of cases pending on February 29 for 4 judges. There were 259 criminal cases, 194 United States civil cases, and 837 other civil cases, a reduction of more than 400 between July 1 of last year and February 29 of this year.

Mr. President, I ask unanimous consent that this table be printed in the RECORD at this point in connection with my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Cases pending in United States District Court, District of Eastern Pennsylvania, 4 judges

	Criminal		United States civil		Other civil		Bankruptcy	
	Total cases	Average per judge	Total cases	Average per judge	Total cases	Average per judge	Total cases	Average per judge
Year ending June 30, 1939	184	46	215	54	1,283	321	1,318	330
From July 1, 1939, to Feb. 29, 1940	259	65	194	49	837	209	1,013	253

Authority: Reports of the Department of Justice.

Mr. REED. Mr. President, these are the figures of the Department of Justice, and not my own.

I now yield the floor.

Mr. SMATHERS. Mr. President, I wish to take only about 3 minutes to answer the 3-day speech of my distinguished colleague from Kansas.

I marvel at the audacity, the temerity, and the impertinence of the junior Senator from Kansas. He comes across the continent, from the great wheat fields of Kansas, screaming that he is "the United States Senator of the United States," and asks us——

Mr. REED. Mr. President, I rise to a question of personal privilege. I did not say that. I said I was a United States Senator of the United States, which I thought included New Jersey; and I still say it.

The PRESIDING OFFICER. The Senator from Kansas is out of order.

Mr. REED. Not on a question of personal privilege, Mr. President?

The PRESIDING OFFICER. The Senator may not take another Senator from the floor on a question of personal privilege.

Mr. REED. I am not taking him from the floor. I merely wished to say what I have said.

The PRESIDING OFFICER. The Senator from Kansas is out of order. The Senator from New Jersey has the floor.

Mr. SMATHERS. When the Senator from New Jersey asked the Senator from Kansas if he did not think his Republican colleague, the Senator from New Jersey [Mr. BARBOUR], knew more about what New Jersey needed in the way of a new judge than did the Senator from Kansas, the Senator from Kansas replied, according to the RECORD, that he was "the" or "a"—I do not care which—United States Senator of the United States, and therefore a Senator of New Jersey.

I do not recall ever having seen the name of the junior Senator from Kansas on the ballots of New Jersey, and I do not expect to see his name there this fall.

Mr. President, the junior Senator from Kansas comes into my State and to the New Jersey Bar Association that has recommended an additional judge in New Jersey, he says, "I am not a lawyer, but hold on; you do not need a new judge, and I will proceed to tell you why." He comes into the State of New Jersey and says to his Republican colleague, who joins in the request that New Jersey may have sufficient judges, "Hold on, while you are elected by the people of the State of New Jersey, you do not need a new judge in New Jersey, and I will tell you why." And he says to the three Republican judges in my State of New Jersey, who have met and adopted a resolution urging that the Congress provide them with an additional judge, "Hold on, you do not need a new judge, and I will tell you why."

Mr. President, in the olden days, according to the Bible, wise men came out of the east, but after listening to this all-American roving Senator from Kansas I am sure that they now come out of the West.

I am not going to take the time of the Senate further. A bill similar to this having passed this body once, this bill having passed the House and being supported by my Republican colleague and by the three Republican United States district court judges in my State who are today urging that an additional judge be provided, I am satisfied that this bill will pass, notwithstanding the 3-day speech we have heard from my distinguished colleague, the great roving Senator from the State of Kansas. [Laughter.]

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Kansas [Mr. REED] to the amendment of the committee.

Mr. McNARY. Mr. President, I inquire what is the pending amendment?

The PRESIDING OFFICER. The clerk will state the amendment.

Mr. REED. Before that is done, may I suggest that we take a separate voice vote on each of the three amendments?

Mr. SMATHERS. I suggest the absence of a quorum.

Mr. McNARY. Just a moment. I do not yield for that purpose.

The PRESIDING OFFICER. The clerk will state the pending amendment.

The LEGISLATIVE CLERK. In the committee amendment, on page 2, line 12, it is proposed to strike out "six" and insert in lieu thereof "five"; and in line 15, to strike out "district of New Jersey."

Mr. McNARY. I assume that debate is about to be concluded on this amendment; so I yield to the able Senator from New Jersey to make his suggestion.

Mr. SMATHERS. I thank the Senator. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Downey	King	Schwellenbach
Ashurst	Ellender	Lee	Sheppard
Austin	Frazier	Lodge	Shipstead
Bailey	George	Lucas	Slattery
Bankhead	Gibson	Lundeen	Smathers
Barbour	Gillette	McCarran	Stewart
Barkley	Green	McKellar	Taft
Bone	Guffey	McNary	Thomas, Idaho
Bulow	Gurney	Maloney	Thomas, Okla.
Burke	Hale	Mead	Thomas, Utah
Byrd	Harrison	Minton	Tobey
Byrnes	Hatch	Murray	Townsend
Capper	Hayden	Neely	Tydings
Caraway	Herring	Norris	Vandenberg
Chandler	Hill	O'Mahoney	Van Nuys
Chavez	Holman	Overton	Wagner
Connally	Holt	Pepper	Walsh
Danaher	Hughes	Reed	White
Davis	Johnson, Calif.	Russell	
Donahey	Johnson, Colo.	Schwartz	

The PRESIDING OFFICER. Seventy-eight Senators having answered the roll call, a quorum is present.

The question is on the amendment offered by the Senator from Kansas [Mr. REED] to the committee amendment.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The next amendment offered by the Senator from Kansas will be stated.

The LEGISLATIVE CLERK. In the committee amendment, on page 2, line 12, it is proposed to strike out "six" and insert in lieu thereof "five", and in lines 14 and 15 to strike out "southern district of California district" and insert in lieu thereof "district."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas to the amendment reported by the committee.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The next amendment offered by the Senator from Kansas will be stated.

The LEGISLATIVE CLERK. In the committee amendment, on page 2, line 12, it is proposed to strike out "six" and insert in lieu thereof "five", and on page 2, line 16, to strike out "eastern district of Pennsylvania."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas to the amendment reported by the committee.

The amendment to the amendment was rejected.

Mr. REED. Mr. President, I have another amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Kansas will be stated.

The LEGISLATIVE CLERK. In the committee amendment, at the end of the bill, it is proposed to insert a new section, to read as follows:

A vacancy occurring in the office of any circuit judge or district judge appointed pursuant to this act shall not be filled unless the Congress shall so provide.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas to the amendment reported by the committee.

The amendment to the amendment was rejected.

Mr. McCARRAN. Mr. President, I offer an amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. At the end of the bill it is proposed to insert a new section, as follows:

After the date of enactment of this act, the salary of the judge of the District Court of the Virgin Islands of the United States shall be at the rate of $10,000 a year.

Mr. McCARRAN. Mr. President, the salary of every district judge in the United States, and in the insular possessions, and in the Federal Court for China is $10,000 per annum. One judge, and one only—namely, the Federal district judge for the Virgin Islands—receives $7,500.

The Federal district judge for the Virgin Islands, Judge Herman E. Moore, is a Negro. He is a very highly educated man. He has served with credit to himself and to those who employed him in every capacity in which he was employed. He is a graduate of Boston Law School, with a long line of experience. He carries on the court work in the Virgin Islands, sitting in two places down there, and carries it on expeditiously and to the credit of the Federal court. So far as I can see, there is no reason why there should be any discrimination in pay. In my judgment, color makes no difference when efficient service is rendered. Therefore I have offered this amendment, so that the judge of the Virgin Islands Federal Court shall receive the same salary as any other Federal judge—no more, no less.

Mr. ASHURST. Mr. President, will the Senator yield for a question?

Mr. McCARRAN. I yield.

Mr. ASHURST. The Senator from Nevada has investigated the matter. I ask him a question for information. Is it the Senator's information that the various district judges in the Territories and other possessions of the United States receive $10,000 a year, as do district judges on the mainland?

Mr. McCARRAN. That is my information.

Mr. ASHURST. I know the Senator is well informed on that subject. If that be true, while I have not expected or wished any amendments of this nature on the bill, I am decidedly for the amendment since the question has been raised.

As the Senator says, it is true that the judge in the Virgin Islands is a colored man. I happen to know that he is a learned man. He is a sound jurist, a man of high character. If it be true—and I take the Senator's word for it—that the judges in other Territories or possessions of the United States receive $10,000 a year, there is no reason for the present apparent discrimination against the judge in the Virgin Islands.

Mr. McCARRAN. Let me be very frank with the Senate and state that my investigation of the matter was hurried. If I should be wrong, the conference may eliminate the amendment.

Mr. ASHURST. It may go to conference, and there the matter may be looked into.

Mr. HARRISON. Mr. President, may I ask a question of some Senator? Has there been any change in the general pay of these judges during the past 3 or 4 years?

Mr. McCARRAN. No; not during the past 10 years.

Mr. HARRISON. I know that a very estimable gentleman from my State served as judge in the Virgin Islands for several years, and I am sure his record will compare quite favorably with that of the present occupant of the office. I do not see any reason why the salary should be increased at this time. I know that the other judge received $7,500.

The PRESIDING OFFICER. By unanimous consent, the floor now goes to the junior Senator from Kansas [Mr. REED].

Mr. McCARRAN. Mr. President, what is the parliamentary status?

The PRESIDING OFFICER. The parliamentary status is that the Senate has agreed to give the floor to the junior Senator from Kansas at 1:20 o'clock.

Mr. BARKLEY. Mr. President, a parliamentary inquiry. That will not prevent the amendment of the Senator from Nevada [Mr. McCARRAN] from being voted on at 1:30?

The PRESIDING OFFICER. No; his motion will be disposed of at 1:30.

Mr. REED. Mr. President, this matter came up a year ago on the motion of the Senator from Connecticut [Mr. DANAHER], a member of the Judiciary Committee, to recommit the bill of last year, which was identical with the bill of this year. I wish the Senator from Connecticut were present. He is still a member of the Judiciary Committee. He told me yesterday that he is in favor of recommitting the bill; but I intended to ask him, as a member of the committee, to make the motion to recommit.

The main reason which was urged last year and this year was, first, that last year we passed a law authorizing and creating a new position—that of an administrator, to be appointed by the Supreme Court—and providing, as has been brought out in this discussion, in order better to conduct the affairs of the Federal courts, that judges may be temporarily moved from one district where they are not busy to another district where they are overloaded. If I may interpret the act liberally, the purpose was to find a better way than constantly imposing additional burdens upon the taxpayers to take care of this declining volume of litigation.

I have not done anything that I have done, last year or this year, out of any personal feeling. Notwithstanding the deputy sheriff—I beg your pardon, the distinguished Senator from New Jersey—nothing that I have done has been done out of any feeling except a desire to serve the public interest. This year, when the matter came up to us in exactly the same form in which it came up last year——

Mr. SMATHERS. Mr. President, I rise to a point of order. I desire to say that I resent the remark of the Senator from Kansas.

The PRESIDING OFFICER. The Senator from New Jersey will state his point of order.

Mr. SMATHERS. The Senator from Kansas is trying to be funny at the expense of one of his colleagues, and I think it entirely improper and out of order.

The PRESIDING OFFICER. The Senator from New Jersey does not have the floor, the Senator from Kansas does have the floor, and unless the Senator from Kansas yields, the Chair is not in position to take him off the floor.

Mr. REED. Mr. President, I wish the majority leader were present. I think I have done a good job in saving the time of the Senate, and living up to the agreement we made yesterday, to be ready to vote at 1:30, and that at 1:30 we would begin to vote on the bill and all amendments. I have waived making any quorum calls or doing anything which would result in delay. The only quorum call that has been had was not at my suggestion, but at the suggestion of the Senator from New Jersey.

Mr. President, as a part of the understanding we had last night, I shall ask that upon either the motion to recommit or the final passage of the bill, and I am not particular which, we shall have a record vote. I hope my friends on the other side—and all on the other side except about one are my friends—will be generous enough to give us the yeas and nays.

It is my earnest belief that, instead of passing the bill, we should recommit it to the Committee on the Judiciary with instructions to investigate further the need for additional judges in the light of what has developed, for we must remember—and the Senator from New Mexico has been candid and fair about it—that the bill we are considering today is identical with the bill which was before the Senate a year ago, and since then much water has gone over the dam. The volume of litigation has constantly declined, and the condition of the docket in every district has improved.

Under these conditions it is not good business to vote for additional Federal judges. The Senator from Arizona and the Senator from New Mexico stated—I wish to quote them correctly, and I am sure they will correct me if I do not—that they have had no hearings on the bill this year, that they merely wrote into the bill as it passed the House, which we are considering, the bill which was passed by the Senate last year. I am correct, am I not?

Mr. HATCH. Mr. President——

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Does the Senator from Kansas yield to the Senator from New Mexico?

Mr. REED. It will have to be for only about half a minute.

Mr. HATCH. I desire to answer the Senator's question, and to ask leave to put into the RECORD a statement from the judicial conference as to these judges. Will the Senator yield for that purpose?

Mr. REED. Certainly.

Mr. HATCH. I answer the Senator's question in the affirmative by saying that we held no hearings this year. Our hearings were held last year. We thought the work we did last year was well performed, and we were willing to stand on it this year.

With the permission of the Senator from Kentucky, in view of the fact that I will not have a further opportunity——

Mr. REED. I trust the Senator will not offend the majority leader by saying I am from Kentucky. [Laughter.]

Mr. HATCH. I mean Kansas. I was thinking of the junior Senator from Kentucky [Mr. CHANDLER], who is presiding at this time, and who I know would very much prefer to be on the floor in order that he might say a word in behalf of the amendment offered by the Senator from Nevada [Mr. MCCARRAN], but the Senator from Kentucky is presiding.

With the permission of the Senator from Kansas, I wish to say that all the judges included in the bill, with the exception of the judge for Florida, have been recommended by the judicial conference, presided over by the Chief Justice of the United States. It is true that as to the judge for the sixth circuit the recommendation was changed. With the Senator's permission I should like to insert the report of the judicial conference at this point.

The PRESIDING OFFICER. Is there objection?

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT OF THE JUDICIAL CONFERENCE, SEPTEMBER SESSION, 1939

The judicial conference provided for in the act of Congress of September 14, 1922 (U. S. C., title 28, sec. 218), convened on September 28, 1939, and continued in session for 3 days. The following judges were present in response to the call of the Chief Justice:

First circuit, Senior Circuit Judge Scott Wilson.
Second circuit, Senior Circuit Judge Learned Hand.
Third circuit, Senior Circuit Judge John Biggs, Jr.
Fourth circuit, Senior Circuit Judge John J. Parker.
Fifth circuit, Senior Circuit Judge Rufus E. Foster.
Sixth circuit, Senior Circuit Judge Xenophon Hicks.
Seventh circuit, Senior Circuit Judge Evan A. Evans.
Eighth circuit, Senior Circuit Judge Kimbrough Stone.
Ninth circuit, Senior Circuit Judge Curtis D. Wilbur.
District of Columbia, Chief Justice D. Lawrence Groner.

The senior circuit judge for the tenth circuit, Judge Robert E. Lewis, was unable to attend, and his place was taken by Circuit Judge Orie L. Phillips.

The Attorney General and the Solicitor General, with their aides, were present at the opening of the conference.

State of the dockets—number of cases begun, disposed of, and pending in the Federal district courts: The Attorney General submitted to the conference a report of the condition of the dockets of the district courts for the fiscal year ending June 30, 1939, as compared with the previous fiscal year. Each circuit judge also presented to the conference a detailed report, by districts, of the work of the courts in his circuit.

The report of the Attorney General disclosed the following comparison of cases commenced and terminated during the fiscal years 1937 and 1938:

	Commenced		Terminated	
	1938	1939	1938	1939
Criminal	34,099	34,701	34,214	35,588
Civil	33,409	33,531	38,155	37,463
Bankruptcy	57,306	50,997	57,303	52,102

For every year since 1932 the conference has noted a decrease, more or less pronounced, in the number of cases pending in the district courts. The figures for the year ending June 30, 1939, show a continuation of this trend:

Pending cases	1938	1939
Criminal cases	10,896	10,009
United States civil cases	11,285	9,593
Private suits	24,587	22,347
Bankruptcy cases	54,277	53,172
Total	101,045	95,121

It will be observed that there has been some increase in the number of criminal cases filed and terminated. But the increase in the number terminated has been greater than the increase in

the number filed. The result is some reduction in the number of cases pending at the end of the year, this amounting to almost 9 percent.

There is an increase of 122 civil cases in the number filed during the year ending June 30, 1939, as compared with the preceding year. This difference is little more than negligible. And it appears that during the past year and the preceding year the number of civil cases terminated was approximately 4,000 in excess of the number filed so that there has been a steady decrease in the number of pending cases.

Taking together the United States civil cases and private suits, the total number of civil cases pending at the end of the fiscal year 1937 was 40,618; in 1938, 35,872; and in 1939, 31,940. This decrease in the volume of pending cases is probably due, the Attorney General suggests, to the increase in the number of judges.

There has been a marked reduction in the number of bankruptcy cases filed during the last fiscal year. But as there has been a similar diminution in the number of proceedings concluded, the reduction in the number of pending cases is much less than the diminution in the number filed.

Arrearages: Delays in the disposition of cases: There has been a marked reduction in the arrears of civil cases as disclosed by the tabular statement submitted by the Attorney General. It is thus shown that on June 30, 1939, 65.3 percent of civil cases had been pending 6 months or over, as against 67 percent in 1938; 45.6 percent had been pending 1 year or over, as against 50.2 percent in 1938; 25.1 percent for 2 years or over, as against 32 percent in 1938; 17.3 percent for 3 years or over, as against 22 percent in 1938; 12.1 percent for 4 years or over, as against 16 percent in 1938; and 9.4 percent had been pending 5 years or over, as against 13 percent a year ago.

We pointed out last year in considering the tabular statement submitted that to obtain a true picture of the state of judicial work it was necessary to consider the reasons why cases had been pending for a considerable time and not simply the number set forth. There are many reasons for the pendency of cases which do not involve inordinate delays. Thus, as we said last year, cases may be held to await a decision in some other jurisdiction, which would make a trial unnecessary or affect the rights involved, or to await the result of negotiations for settlement; foreclosure suits may be suspended by moratorium or redemption statutes; the litigation may be ancillary to that in another jurisdiction or there may be an injunction restraining proceedings; or cases may be held awaiting appeals.

It cannot be too often emphasized that judicial statistics require analysis and knowledge of the circumstances to which they relate, and while they may, in a general sense, be of value to show a trend, they often afford an inadequate basis for a just conclusion. When the present report was received, several of the senior circuit judges made inquiries to ascertain the actual reasons for the delays which were shown. The result was to indicate that in many cases the delays were justified. There is, however, as pointed out, a gratifying reduction in arrears and this has been due to the efforts of the judges to expedite the disposition of cases. Last year, we pointed out that one remedy which had proved effective in many jurisdictions was to have the entire docket called at reasonable intervals so that the "dead wood" may be removed and the cases that are expected to be tried may be brought to a speedy determination. This practice, as recommended, has been followed in a number of districts.

The Attorney General observes that, except in a few congested centers, the court dockets are in excellent condition and generally current, the waiting time for trials being caused by the intervals between terms of court. While it appears, as the Attorney General states, that 18 out of 85 districts—as against 17 a year ago—report more or less congestion in their dockets, a comparison of the conditions in the 2 years indicates that the extent of the congestion and arrears has considerably diminished; that only in the District of Columbia, the southern district of New York, and the western district of Washington have the arrears increased.

In the District of Columbia it is hoped that the recent increase in the number of judges will result in at least an amelioration of the great delays there existing. But this may not prove to be a complete cure in view of the fact that the number of civil cases filed during the year was 5,601 as against 5,045 during the preceding year. On the other hand, there has been a diminution in the number of criminal cases filed.

In the southern district of New York the arrears appear to be again accumulating. In the western district of Washington there has been a considerable increase in the arrears in jury cases and some increase as to nonjury cases.

The Attorney General reports that in the northern district of Georgia, the western district of Louisiana, the eastern district of Michigan, and the northern district of Ohio, while there is still congestion, that reported a year or two ago appears to have been considerably alleviated.

The Attorney General also states that the following districts which showed arrears a year ago now report that the dockets are current: Northern district of Alabama, eastern district of Illinois, eastern district of Kentucky, district of Massachusetts, eastern district of Pennsylvania, middle district of Pennsylvania, and northern district of Texas.

It is believed that in the district of Massachusetts an important factor in clearing up the congestion has been the adoption of pretrial procedure for all jury cases.

It appears that in the following districts where the dockets were reported to be current a year ago there is now congestion to a greater or less degree: eastern district of Arkansas, northern district of California, northern district of Illinois, western district of Kentucky, district of New Jersey, middle district of Tennessee, eastern district of Washington.

The Attorney General adds that in the eastern district of Arkansas, the northern district of California, and the eastern district of Washington this state of affairs is due to temporary conditions.

The statement and tables submitted by the Attorney General were supplemented by full reports by the senior circuit judges from each circuit as to the condition of the dockets in the several districts.

Circuit courts of appeals: We are able to report, as heretofore, that in general the circuit courts of appeals are up with their work. We called attention last year to the accumulation of cases in the sixth circuit. Progress has been made in the disposition of these cases and the conference believes that with the present force of circuit judges the circuit court of appeals will be able in the near future to make its docket fairly current.

We also pointed out last year that the circuit court of appeals for the eighth circuit had been able to keep abreast of its work only through the aid of retired judges. After a careful review of the situation there, the conference decided to recommend one additional circuit judge for that circuit.

No other recommendations for additional circuit judges are made at this time.

The conference renews its recommendation that section 212 of title 28 of the United States Code should be amended so that, in a circuit where there are more than three circuit judges, the majority of the circuit judges may be able to provide for a court of more than three judges when in their opinion unusual circumstances make such action advisable.

District courts—additional judges required: The conference carefully considered the reports submitted by the Attorney General and also the intimate description of conditions furnished by the circuit judges.

In the southern district of New York additional judges are clearly required. The conference recommends that the vacancy caused by the appointment of Judge Robert P. Patterson to the circuit court of appeals should be filled, and that the present restriction should be removed. (See act of May 31, 1938, sec. 4 (d); 52 Stat. 584.) The filling of this vacancy, however, will not afford all the judicial assistance that is needed and the conference recommends that provision should be made for two additional judges, that is, in addition to the filling of the vacancy above mentioned. This recommendation is made with the qualification that it be provided that the first three vacancies occurring in the district court in that district shall not be filled.

The conference also recommends that provision be made for an additional district judge in the following districts: One additional district judge for the district of New Jersey; one additional district judge for the eastern district of Pennsylvania; one additional district judge for the northern district of Georgia; one additional district judge for the northern district of Ohio; one additional district judge for the eastern district of Missouri; one additional district judge for the southern district of California; one additional district judge for the western district of Oklahoma.

Court rules: In view of the changes necessitated in the rules of courts by reason of the adoption of the Rules of Civil Procedure, the conference last year appointed a committee to review the rules of the circuit courts of appeals for the purpose of making recommendations in order to obtain uniformity so far as might be found practicable. This committee was composed of Circuit Judges Parker, Hicks, Wilbur, and Phillips.

At the present session of the conference, Judge Parker submitted two rules which had been drafted in cooperation with a committee of the Department of Justice, of which Hon. James W. Morris was chairman. These rules concern the review by the circuit courts of appeals (a) of orders of the Board of Tax Appeals and of the United States Processing Tax Board of Review, and (b) of orders of other administrative bodies. The conference recommends to the several circuit courts of appeals the adoption of these rules, as thus submitted, in the form in which they are proposed.

District court rules: At the last conference a committee was appointed, composed of District Judge John C. Knox, of the southern district of New York; District Judge William P. James, of the southern district of California; and District Judge Robert C. Baltzell, of the southern district of Indiana to examine the various rules of the district courts and to make recommendations so that the greatest practicable degree of uniformity throughout the country should be secured. This committee was assisted during the year by Maj. Edgar B. Tolman and by representatives of the Department of Justice. A tentative draft of uniform local rules was prepared and presented to the members of the conference.

The conference continues this committee for another year to the end that the above-mentioned report and such further suggestions as may be made should be considered.

Boundaries of judicial circuits and districts: At the conference held in 1937 a committee was appointed to consider possible changes in the boundaries of existing circuits and districts and to confer with the appropriate committee of the Senate and House of Representatives with relation to this matter. The conference continues this committee, which, as now constituted, consists of Judges Foster, Wilbur, Phillips, and Learned Hand.

The administration of the United States courts: For some time measures have been under consideration looking to the establishment of an administrative office of the United States courts. One objective was to give to the courts the power of managing their own business affairs and to that extent to relieve the Department of Justice of responsibility. Another objective was to secure an im-

proved supervision of the work of the courts through an organization under judicial control. After full discussion of these objectives, the conference, at its last session, appointed a committee to prepare recommendations in collaboration with the Attorney General. This committee was composed of Chief Justice Groner of the United States Circuit Court of Appeals for the District of Columbia, and Circuit Judges Manton, Parker, Evans, and Stone. The result of the collaboration of this committee with the committee appointed by the Attorney General and with representatives of bar associations has been the promotion and ultimate adoption of legislation to attain the desired ends. The act, which adds a new chapter (chapter XV) to the Judicial Code entitled "The Administration of the United States Courts," was passed by the Congress and was approved by the President on August 7, 1939, to take effect 90 days thereafter.

A large part of the present session of the conference has been taken up with a discussion of the provisions of this act and of the necessary steps fully to achieve the purposes in view. The act provides for the appointment by the Supreme Court of the United States of a director and an assistant director of the administrative office. While these appointments are to be made by the Supreme Court, the act provides that the director shall have charge of the matters specified "under the supervision and direction of the conference of senior circuit judges." The director is charged with duties of the highest importance and it was deemed not only fitting but necessary that the conference of senior circuit judges, in order to exercise the intended supervision over his activities, should be represented by a committee which shall be in immediate touch with the director and be in a position to keep the conference fully informed. For this purpose the conference has appointed an advisory committee to advise and assist the director in the exercise of his duties until further order of the conference. The committee is composed of the Chief Justice of the United States, as chairman, Chief Justice Groner of the United States Court of Appeals for the District of Columbia, and Circuit Judges Parker, Stone, and Biggs.

The act provides (sec. 306) that, to the end that the work of the district courts shall be effectively and expeditiously transacted, it shall be the duty of the senior circuit judge of each circuit to call at least twice a year a council composed of the circuit judges for the circuit at which the senior circuit judge shall preside. The senior judge is directed to submit to the council the quarterly reports which the director is required to submit (sec. 304 (2)) in relation to the state of the dockets of the various courts, their needs of assistance, the preparation of statistical data and information as to the business transacted. It is made the duty of district judges promptly to carry out the directions of the council as to the administration of the business of their courts. The conference considered the duty of the circuit judges under this provision and the responsibility of the council, convened and informed as stated, for the appropriate expediting of the work of the district courts.

In addition to these councils composed of the circuit judges in each circuit, the act provides (sec. 307) that a conference shall be held annually in each judicial circuit which shall be composed of circuit and district judges in such circuit, who reside within the continental United States, with participation of members of the bar under rules to be prescribed by the circuit courts of appeals. These conferences are stated to be for the purposes of considering the state of the business of the courts and of advising ways and means of improving the administration of justice within the circuits.

The conference considered these provisions, and several of the circuit judges described at length the character of the proceedings of conferences which had been held in their circuits, including the sort of questions presented, the arrangement of programs, and incidental matters. The profitable results of these conferences in a number of circuits were emphasized.

It is confidently expected that through the operation of this act the important objectives to which reference has been made will be measurably attained.

Sentences in criminal cases: The conference appointed a committee composed of Judges Learned Hand, Evans, and Wilbur to consider and report upon the feasibility of an indeterminate-sentence law for the Federal courts; also with respect to the advisability of conferring upon the circuit courts of appeals the power to increase or reduce sentences.

Rules of practice and procedure in criminal cases: The Supreme Court, on May 7, 1934, pursuant to the act of March 8, 1934, promulgated Rules of Practice and Procedure, after plea of guilty, verdict, or finding of guilt, in criminal cases brought in the district courts of the United States and in the Supreme Court of the District of Columbia. The conference requests the Supreme Court to consider amendments of these rules so as to conform the practice relating to records on appeal in criminal cases to the practice provided for by the Rules of Civil Procedure. The conference also requests the Supreme Court to consider an extension of the Criminal Appeals Rules (within the authority conferred by the Congress) to appeals from courts to which the rules do not presently apply.

The conference approved Senate bill No. 1283, Seventy-sixth Congress, first session, which provides for the conferring upon the Supreme Court of the power to promulgate rules of pleading, practice, and procedure with respect to any or all proceedings prior to and including verdict, or finding of guilty or not guilty by a court if a jury has been waived, or plea of guilty, in criminal cases in the various courts specified.

Rules of evidence in criminal cases in the Federal courts: The conference appointed a committee composed of Judges Phillips, Hicks, and Wilbur to study and report on the advisability of legislation with respect to the rules of evidence, and also the competency and privilege of witnesses, in criminal cases in the courts of the United States.

Provision for law clerks: The conference directs that the Director of the Administrative Office of the United States Courts upon his appointment prepare as soon as practicable for the consideration of the conference proposals with respect to the salaries of law clerks of district judges and circuit judges with a view to a recommendation of such legislation as may be found advisable.

Court reporters: The subject of compensation of court reporters was referred to the Director of the Administrative Office of the United States Courts to the end that as soon as practicable after his appointment he should prepare recommendations for the consideration of the conference.

Public defenders: Upon considering its former recommendation upon this subject, the conference approved in substance S. 1845 and H. R. 4782, Seventy-sixth Congress, first session, with respect to the appointment of public defenders.

Recess: In view of the fact that action may be required by the conference in connection with the operation of the act creating the Administrative Office of the United States Courts, the conference, instead of adjourning, declared a recess subject to the call of the Chief Justice.

For the judicial conference:

CHARLES E. HUGHES,
Chief Justice.

SEPTEMBER 30, 1939.

Mr. REED. Mr. President, I have only about a minute or two left. I send a motion to the desk and ask to have it stated.

The PRESIDING OFFICER. The clerk will read the motion.

The legislative clerk read as follows:

I move that House bill 7079, to provide for the appointment of additional district and circuit judges, be recommitted to the Committee on the Judiciary with instructions to make further investigation as to the need of the additional judges provided in this bill and the existing district judges.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas [Mr. REED] that the bill be recommitted.

Mr. HATCH. Mr. President, was it on this motion that the Senator wanted the yeas and nays?

Mr. McNARY. I think it was rather agreed that the vote on this motion would be an oral vote, and that when the bill was placed on its final passage there would be a yea-and-nay vote.

Mr. HATCH. I did not quite understand what the agreement was.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas that the bill be recommitted. [Putting the question.] The noes appear to have it.

Mr. McNARY. I ask for a division.

On a division, the motion was rejected.

The PRESIDING OFFICER. The question is now upon the amendment offered by the Senator from Nevada [Mr. McCARRAN] to the committee amendment.

Mr. RUSSELL. Mr. President, may we have the amendment stated?

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. It is proposed to add at the end of the bill a new section, to read as follows:

SEC. 3. After the date of the enactment of this act the salary of the judge of the District Court of the Virgin Islands of the United States shall be at the rate of $10,000 a year.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. McCARRAN]. [Putting the question.] The Chair is in doubt. Those in favor of the amendment to the amendment will rise and stand until counted. [A pause.] Those opposed will rise. The amendment to the amendment is agreed to.

Mr. HARRISON. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HARRISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Ellender	Lee	Schwartz
Ashurst	Frazier	Lodge	Schwellenbach
Austin	George	Lucas	Sheppard
Bailey	Gibson	Lundeen	Slattery
Barbour	Gillette	McCarran	Smathers
Barkley	Green	McKellar	Stewart
Bone	Guffey	McNary	Taft
Bulow	Gurney	Maloney	Thomas, Idaho
Burke	Hale	Mead	Thomas, Okla.
Byrd	Harrison	Minton	Thomas, Utah
Byrnes	Hatch	Murray	Tobey
Capper	Hayden	Neely	Townsend
Caraway	Herring	Norris	Tydings
Chandler	Hill	O'Mahoney	Vandenberg
Chavez	Holman	Overton	Wagner
Connally	Hughes	Pepper	Walsh
Danaher	Johnson, Colo.	Reed	White
Downey	King	Russell	

The PRESIDING OFFICER. Seventy-one Senators having answered to their names, a quorum is present.

The question is now upon the amendment of the Senator from Nevada [Mr. McCARRAN] to the amendment of the committee, on which the yeas and nays have been ordered.

Mr. McCARRAN. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCARRAN. It is my position that it is too late now to call for the yeas and nays, because the Chair announced the result of the vote.

The PRESIDING OFFICER. The Chair did announce the result of the vote, but thinks he acted a little precipitately. The Senator from Mississippi [Mr. HARRISON] was on his feet asking for the yeas and nays, and the Chair believes he was in error in making the announcement. The yeas and nays have been ordered.

Mr. McCARRAN. Am I not right in assuming that the RECORD will show that the decision was announced by the Chair?

The PRESIDING OFFICER. The Chair cannot answer that question. The Chair does not know what the RECORD will show, but feels that he made the announcement while the Senator from Mississippi was on his feet asking for the yeas and nays. The Chair does not wish to deny a yea and nay vote if the Senate wishes to order it.

The question is on agreeing to the amendment of the Senator from Nevada to the committee amendment. The clerk will call the roll.

Mr. HARRISON. Mr. President, the roll call not having been begun, am I permitted to say something?

The PRESIDING OFFICER. Debate is not in order at the present time.

Mr. McNARY. Mr. President, that would conflict with the unanimous-consent agreement.

Mr. HARRISON. I understand.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KING (when his name was called). Upon this vote I have a pair with the junior Senator from North Carolina [Mr. REYNOLDS]. Not knowing how he would vote on this question I withhold my vote.

Mr. NORRIS (when Mr. LA FOLLETTE'S name was called). The Senator from Wisconsin [Mr. LA FOLLETTE] is detained at one of the Government departments.

Mr. TYDINGS (when Mr. RADCLIFFE'S name was called). My colleague the Senator from Maryland [Mr. RADCLIFFE] is necessarily detained from the Senate. He is unable to secure a pair. If he were present, he would vote "yea" on this question.

Mr. THOMAS of Utah (when his name was called). On this vote I have a pair with the senior Senator from New Hampshire [Mr. BRIDGES]. I transfer that pair to the junior Senator from Missouri [Mr. TRUMAN] and will vote. I vote "yea."

Mr. TOWNSEND (when his name was called). I inquire if the senior Senator from Tennessee [Mr. McKELLAR] has voted?

The PRESIDING OFFICER. The Chair is informed he has not voted.

Mr. TOWNSEND. I have a general pair with the senior Senator from Tennessee. Therefore I withhold my vote.

The roll call was concluded.

Mr. HILL. My colleague the senior Senator from Alabama [Mr. BANKHEAD] is unavoidably absent from the Senate on important business.

The PRESIDING OFFICER (Mr. CHANDLER) (after having voted in the affirmative). Before the result is announced the Chair will state that he has a pair on this question with the Senator from Pennsylvania [Mr. DAVIS], who is detained on public business. The present occupant of the Chair transfers that pair to the Senator from Missouri [Mr. CLARK], and will permit his vote to stand.

Mr. MINTON. I announce that the Senator from North Carolina [Mr. REYNOLDS] is absent from the Senate because of illness.

The Senator from Virginia [Mr. GLASS] is unavoidably detained.

The Senator from Florida [Mr. ANDREWS], the Senator from Washington [Mr. BONE], the Senator from South Dakota [Mr. BULOW], the Senator from Mississippi [Mr. BILBO], the Senator from Michigan [Mr. BROWN], the Senators from Missouri [Mr. CLARK and Mr. TRUMAN], the Senator from Idaho [Mr. CLARK], the Senator from Ohio [Mr. DONAHEY], the Senator from Rhode Island [Mr. GERRY], the Senator from West Virginia [Mr. HOLT], the Senator from Tennessee [Mr. McKELLAR], the Senator from Arkansas [Mr. MILLER], the Senator from Nevada [Mr. PITTMAN], the Senator from South Carolina [Mr. SMITH], the Senator from Indiana [Mr. VAN NUYS], and the Senator from Montana [Mr. WHEELER] are detained on public business.

Mr. AUSTIN. I announce that the Senator from Wisconsin [Mr. WILEY] has a general pair with the Senator from Michigan [Mr. BROWN]. I am not advised how either Senator would vote on this question.

The Senator from North Dakota [Mr. NYE] is paired with the Senator from Mississippi [Mr. BILBO]. On this question the Senator from North Dakota would vote "yea" and I am advised the Senator from Mississippi would vote "nay."

The Senator from Minnesota [Mr. SHIPSTEAD] has a general pair with the Senator from Virginia [Mr. GLASS].

The result was announced—yeas 49, nays 17, as follows:

YEAS—49

Ashurst	Gillette	McCarran	Taft
Bailey	Green	McNary	Thomas, Idaho
Barbour	Guffey	Maloney	Thomas, Okla.
Barkley	Gurney	Mead	Thomas, Utah
Burke	Hayden	Minton	Tobey
Byrd	Herring	Murray	Tydings
Chandler	Holman	Neely	Vandenberg
Chavez	Hughes	Norris	Wagner
Connally	Johnson, Colo.	O'Mahoney	Walsh
Danaher	Lee	Schwartz	White
Downey	Lodge	Schwellenbach	
Ellender	Lucas	Slattery	
Frazier	Lundeen	Smathers	

NAYS—17

Adams	George	Hill	Sheppard
Austin	Gibson	Overton	Stewart
Byrnes	Hale	Pepper	
Capper	Harrison	Reed	
Caraway	Hatch	Russell	

NOT VOTING—30

Andrews	Clark, Mo.	La Follette	Smith
Bankhead	Davis	McKellar	Townsend
Bilbo	Donahey	Miller	Truman
Bone	Gerry	Nye	Van Nuys
Bridges	Glass	Pittman	Wheeler
Brown	Holt	Radcliffe	Wiley
Bulow	Johnson, Calif.	Reynolds	
Clark, Idaho	King	Shipstead	

So Mr. McCARRAN'S amendment to the committee amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the committee amendment as amended.

Mr. REED. I ask for the yeas and nays.

Mr. McNARY. That does not contemplate a final vote?

The PRESIDING OFFICER. No; it does not contemplate a final vote.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. McNARY. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. KING (when his name was called). Upon this vote I have a pair with the junior Senator from North Carolina [Mr. REYNOLDS]. Not knowing how he would vote on this question, I withhold my vote.

Mr. NORRIS (when Mr. LA FOLLETTE's name was called). The Senator from Wisconsin [Mr. LA FOLLETTE] is detained in one of the Government departments. I am advised that if present and voting, he would vote "yea."

Mr. THOMAS of Utah (when his name was called). On this vote I have a pair with the senior Senator from New Hampshire [Mr. BRIDGES]. I transfer that pair to the Senator from Florida [Mr. ANDREWS] and will vote. I vote "yea."

The PRESIDING OFFICER [after having voted in the affirmative]. The Chair again announces that he has a general pair on this vote with the Senator from Pennsylvania [Mr. DAVIS], who is detained on public business. The Chair transfers that pair to the Senator from Missouri [Mr. CLARK], and permits his vote to stand.

The roll call was concluded.

Mr. HILL. My colleague, the senior Senator from Alabama [Mr. BANKHEAD] is absent on important official business. I am advised that, if present and voting, he would vote "yea."

Mr. MINTON. I announce that the Senator from North Carolina [Mr. REYNOLDS] is absent from the Senate because of illness.

The Senator from Virginia [Mr. GLASS] is unavoidably detained.

The Senator from Florida [Mr. ANDREWS], the Senator from Mississippi [Mr. BILBO], the Senator from Washington [Mr. BONE], the Senator from Michigan [Mr. BROWN], the Senators from Missouri [Mr. CLARK and Mr. TRUMAN], the Senator from Idaho [Mr. CLARK], the Senator from Ohio [Mr. DONAHEY], the Senator from Rhode Island [Mr. GERRY], the Senator from Iowa [Mr. HERRING], the Senator from West Virginia [Mr. HOLT], the Senator from Arkansas [Mr. MILLER], the Senator from Nevada [Mr. PITTMAN], the Senator from Maryland [Mr. RADCLIFFE], the Senator from South Carolina [Mr. SMITH], the Senator from Indiana [Mr. VAN NUYS], and the Senator from Montana [Mr. WHEELER] are detained on public business.

I am advised that, if present and voting, the Senator from Florida, the Senator from Mississippi, the Senator from Michigan, the Senators from Missouri, the Senator from Arkansas, and the Senator from Maryland would vote "yea."

Mr. AUSTIN. I announce the absence of the junior Senator from Wisconsin [Mr. WILEY] on official business. On this question he is paired with the Senator from Michigan [Mr. BROWN]. If present, the Senator from Wisconsin would vote "nay," and the Senator from Michigan would vote "yea."

The Senator from North Dakota [Mr. NYE] has a pair with the Senator from Iowa [Mr. HERRING]. I am advised that the Senator from North Dakota, if present, would vote "yea." I am not advised how the Senator from Iowa would vote.

The Senator from Minnesota [Mr. SHIPSTEAD] has a general pair with the Senator from Virginia [Mr. GLASS].

The result was announced—yeas 47, nays 21, as follows:

YEAS—47

Adams	Byrnes	Connally	Frazier
Ashurst	Caraway	Danaher	George
Barbour	Chandler	Downey	Gillette
Barkley	Chavez	Ellender	Green
Guffey	Lucas	Neely	Slattery
Harrison	Lundeen	O'Mahoney	Smathers
Hatch	McCarran	Overton	Stewart
Hayden	McKellar	Pepper	Thomas, Okla.
Hill	Maloney	Russell	Thomas, Utah
Hughes	Mead	Schwartz	Wagner
Johnson, Colo.	Minton	Schwellenbach	Walsh
Lee	Murray	Sheppard	

NAYS—21

Austin	Gibson	Norris	Tydings
Bailey	Gurney	Reed	Vandenberg
Bulow	Hale	Taft	White
Burke	Holman	Thomas, Idaho	
Byrd	Lodge	Tobey	
Capper	McNary	Townsend	

NOT VOTING—28

Andrews	Clark, Mo.	Johnson, Calif.	Reynolds
Bankhead	Davis	King	Shipstead
Bilbo	Donahey	La Follette	Smith
Bone	Gerry	Miller	Truman
Bridges	Glass	Nye	Van Nuys
Brown	Herring	Pittman	Wheeler
Clark, Idaho	Holt	Radcliffe	Wiley

So the bill H. R. 7079 was passed.

Mr. HATCH. Mr. President, I move that the Senate insist upon its amendment, request a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HATCH, Mr. MCCARRAN, and Mr. AUSTIN conferees on the part of the Senate.

Mr. McCARRAN. Mr. President, with reference to the bill just passed by the Senate about half an hour ago, I received a special-delivery letter from Mr. Justice Wilbur, presiding judge of the Ninth Circuit Court of Appeals, and also a letter from Mr. Justice James, the presiding judge of the southern district of California, together with a report from the clerk of that court. I ask that these documents be printed in the RECORD.

There being no objection, the letters and report were ordered to be printed in the RECORD, as follows:

UNITED STATES CIRCUIT COURT OF APPEALS,
NINTH JUDICIAL CIRCUIT,
Los Angeles, April 15, 1940.

Hon. WM. P. JAMES,
United States District Judge, Los Angeles, Calif.

MY DEAR JUDGE: You have called to my attention a letter from Senator MCCARRAN, of Nevada, concerning need for an additional judge in the southern district of California. I am writing you in order that you may enclose this statement with your letter to Senator MCCARRAN instead of writing him direct.

As you know, this request for an additional judge was made by the judicial conference in Washington at each of its two last meetings.

From actual personal contact with the problem of the district court in the southern district of California and acquaintance with the conditions in southern California based upon over 50 years' experience, and 10 years' experience in hearing appeals from this district, I am satisfied that we not only need one additional judge in the southern district of California but that with the rapid extension of Federal jurisdiction under laws recently passed, the number of cases that will demand a long period of trial already filed in this district, even if the present judges continue to dispatch business in this district with the fidelity and devotion with which they have previously done, we will again fall behind. A litigant is entitled to prompt hearing of cases in court although it is rare that he gets such attention.

I have not quoted statistics because, after all, the question involved is not one of statistics but of a practical situation which can be ascertained by anyone who examines the records and observes the amount of time necessary to try some of the pending mail fraud cases, violations of the Sherman Anti-Trust Act, and patent cases.

Sincerely yours,

CURTIS D. WILBUR.

UNITED STATES DISTRICT COURT,
Los Angeles, April 15, 1940.

Hon. PAT MCCARRAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I received your special-delivery letter calling attention to the fact that Senator REED is opposed to the increase of one judge for the southern district of California. His compilation from reports of the Attorney General respecting the number of cases has no real bearing upon our crowded condition. It is the heavy cases, of which there are many pending in this district, that eat up the time of the judges. Of course, the shorter cases are speedily disposed of, many by pleas of guilty.

I have had our clerk prepare a statement, which gives a fair picture of the present status of the business of the court. I also enclose a letter from Judge Wilbur, our senior circuit judge, who

happens to be here holding court at this time. You will remember that only during the past year the circuit court found it not only desirable but necessary to hold a 6-month session in the southern district of California, because practically one-half of all the appeals from the seven States in the circuit, including Hawaii and Alaska, come from this district.

Trials of pending cases cannot be set and finally heard within any 6-month term of court, and we have not been able to better that situation. We must have more judges if the litigant is given anything like a reasonably early trial. It is useless for me to enter upon a further argument, because I think the conditions confronting us are now fully explained. We are all hoping that the added help will be given us by Congress.

I am, with very best wishes,

Most sincerely yours,

WM. P. JAMES,
Senior United States District Judge.

LOS ANGELES, CALIF., *April 15, 1940.*

STATUS OF CALENDAR

There are pending in this court a large number of criminal cases which will take more than the usual time for trial. Some of these are:

14279–H–Criminal which has 7 corporate defendants and 14 individual defendants;

14250–Y–Criminal which has 11 corporate defendants and 62 individual defendants;

14280–Y–Criminal which has 3 corporate defendants and 17 individual defendants;

14286–Y–Criminal which has 3 corporate defendants and 22 individual defendants;

14262–Y–Criminal which has 9 corporate defendants and 74 individual defendants; and

14302–H–Criminal which has 11 corporate defendants and 20 individual defendants;

these six cases are all antitrust cases and the estimated time for trial, as given by the assistant attorneys general who are prosecuting the cases, is 1½ years for the six cases.

The special grand jury hearing the antitrust cases is still in session and there will doubtless be additional indictments returned.

14149–M–Criminal is an antitrust case involving the oil companies, having 48 corporate defendants, which will take at least 6 months to try. Counsel for some of the defendants have estimated approximately 1 year for trial, due to the number of exhibits which will have to be offered and analyzed.

14048–B–Criminal is a criminal contempt case against Fox West Coast Theaters et al. which is being prosecuted by special assistant attorneys general and will take 3 months for trial.

14215–Y–Criminal is a mail fraud case against Odell and 15 others which is now set for trial commencing the latter part of April which will take at least 6 months for trial.

14051–RJ–Criminal is a criminal case against Yamatoda, et al, for violation of the Lindbergh kidnaping law. This case is now set for trial commencing April 30, 1940, and will take at least 6 weeks for trial.

14075–M, 14076–H, 14077–Y, and 14078–H–Criminal are cases for violation of the mail fraud and securities and exchange laws which will take approximately 6 weeks for trial.

The above cases being criminal cases have preference over civil cases for trial. If all seven judges of this court did nothing but try the above criminal cases with a total estimated trial time of 42 months it would occupy the time of all members of this court for the next 6 months.

LAND CONDEMNATION CASES

There are pending 10 land condemnation cases in which the Government is condemning land for various purposes. 204–J–Civil involves 47 separate parcels. There have already been two trials with a jury covering certain parcels and a third trial involving 17 parcels is now set for April 16, 1940, and will take approximately 3 weeks for trial.

453–Y–Civil involves 216 parcels of land. Trial as to 74 parcels is to be set on April 15, 1940, there being no estimate as yet as to the time for trial.

657–RJ–Civil involves 66 parcels. Trial as to 19 parcels is now set in October and will take approximately 1 month.

The other seven cases have not been set for trial, and no estimate of the trial time has been made. These cases involve a large number of parcels, and the judges are inclined to give early trials in these cases as the owners' land has been taken from them by the Government, and some of them are in dire need of the money in order to rehabilitate themselves.

SHERMAN AND CLAYTON ACTS CASES

There are a number of Sherman and Clayton Acts cases pending. 7902–B–Law was tried once, resulting in a hung jury. The trial took 28 trial days on the first trial and no doubt will take about the same time for the second trial.

There are several of these cases in addition in which no estimate of trial time has been made.

One judge of this court started a trial on November 7, 1939, of four cases, which were consolidated for the purposes of trial. These cases involve the title to over 600 acres of producing and potential oil lands at Long Beach Harbor valued at many millions of dollars. The estimated trial time was a minimum of 6 months and a maximum of 2 years. After 3 months of trial upon the resting of the claimants' case on one of the many issues involved the parties requested a recess for the purpose of negotiating on a settlement. Other cases are being tried in the interim, but so far it has not been decided whether the trial will have to continue to a conclusion or if the parties will be able to compromise the litigation. If the trial must continue it will take several months more, and may run into many months depending on the result of investigations still in progress.

467–B–Civil is a civil case by the United States against the General Petroleum Corp. et al. for additional royalty interests. The Assistant Attorney General prosecuting this case estimates a minimum of 4 months' trial time.

564–J–Civil, Mutual Orange Distributors against Agricultural Prorate Commission of State of California et al., is a three-judge case which took the time of two district judges and one circuit judge for 8 days at the hearing on the merits. Briefs are now being filed, and the case may later be again set for oral argument.

There are pending in this district, 71 matters under section 77–B of the Bankruptcy Act, and 19 matters under chapter X of the Bankruptcy Act, as amended by the Chandler Act. These matters all consume a great deal of the judge's time.

There are pending 96 patent cases, most of which have been pending for a long time but not tried on account of the length of time necessary for trial which could not be spared from criminal cases, and other cases entitled to an earlier trial.

The naturalization department has increased the number of petitions filed per month from 400 to about 1,000.

Judge Jeremiah Neterer from the western district of Washington called the January term calendar in the southern division of this district at San Diego in order to enable Judge James of this district to try cases in Los Angeles. He sat in San Diego for approximately 3 months in order to try all the cases in which trials were requested. There will be over 50 criminal cases on the calendar at San Diego on April 19, 1940. If not-guilty pleas are entered at that time the cases will be set down for trial during the July term at San Diego.

WAR DEPARTMENT CIVIL FUNCTIONS APPROPRIATIONS

Mr. THOMAS of Oklahoma. Mr. President, I move that the Senate proceed to the consideration of House Bill 8668, the War Department civil functions appropriation bill.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 8668) making appropriations for the fiscal year ending June 30, 1941, for civil functions administered by the War Department, and for other purposes, which had been reported from the Committee on Appropriations, with amendments.

Mr. THOMAS of Oklahoma. I ask unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments be first considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARKLEY. Mr. President, I understand that the Senator does not wish to go further with the bill this afternoon.

Mr. THOMAS of Oklahoma. As I understand, the bill will be the unfinished business tomorrow.

Mr. BARKLEY. Yes.

REPLY BY ATTORNEY GENERAL JACKSON TO SENATOR BRIDGES

Mr. BARKLEY. Mr. President, a few days ago the Senator from New Hampshire [Mr. BRIDGES] made some comments in the Senate on the disposition of certain cases before the Department of Justice and criticized the Attorney General. I ask unanimous consent that a statement issued to the press yesterday by the Attorney General be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE

Attorney General Robert H. Jackson today issued the following statement:

"Senator BRIDGES' political attack on me on the Senate floor is based on cases pending in the courts. He even includes a discussion of one that is now on trial before a jury, and his speech is well designed—and was no doubt intended—to prejudice the Government's case. If Senator BRIDGES feels no ethical restraint, I am not at liberty to descend to this level, even in self-defense. I have tried to make it a policy of this Department that we will avoid the issuance of statements or publicity designed, or likely, to influence trials in the courts. It is too much, however, to expect that such considerations of fair play would appeal to Senator BRIDGES.

"Fortunately no such consideration restrains me from discussing one of the situations involved in the Senator's attack which he discusses with an understanding and accuracy that is characteristic of his entire speech. As it has been so long disposed of, I am free to discuss it. Senator BRIDGES asks:

" 'What has become of the investigation at Hot Springs, Ark., of charges against city officials and police that they had accepted bribes for harboring Federal fugitives from justice?'

"The answer is that the former chief of police, the former lieutenant of detectives, and two associates have been indicted and have been convicted and are now serving maximum terms, while a fifth pleaded guilty after indictment and received a sentence which has been served.

"Herbert Akers is now in Atlanta Penitentiary; Joseph Wakelin, former chief of police at Hot Springs, is now imprisoned at the Federal institution at Springfield, Mo.; former Lt. Cecil Brock is confined in Leavenworth Penitentiary; and Jewel Grayson is at Alderson Federal Penitentiary for Women. All of these prisoners have applied for parole and in each case it has been denied. With the exception of one defendant who pleaded guilty, the trials were bitterly contested.

"Of course, Senator BRIDGES is to be forgiven for knowing nothing of the subject of which he talked, for he has had his ear so close to the ground that he has not been able to get his eyes to the level of court proceedings.

"His violent partisanship and his determination to inflict his own candidacy upon his party and the country has caused him to throw overboard even that elemental sense of restraint and caution that men not in possession of the facts usually exercise. He is the 'infant terrible' on the contemporary political scene, and is not taken seriously even by the members of his own party."

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. CHANDLER in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

Mr. HARRISON, from the Committee on Finance, reported favorably the following nominations:

Dental Surgeon Frank C. Cady to be senior dental surgeon in the United States Public Health Service, to rank as such from May 13, 1940; and

Senior Surgeon Clarence H. Waring to be medical director in the United States Public Health Service, to rank as such from August 22, 1940.

Mr. HARRISON also, from the Committee on Finance, reported favorably the nominations of following surgeons to be senior surgeons in the United States Public Health Service, to rank as such from the dates set opposite their names:

William Y. Hollingsworth, May 24, 1940; and

Leo W. Tucker, June 15, 1940.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

POSTMASTERS—NOMINATIONS FAVORABLY REPORTED

The legislative clerk proceeded to read sundry nominations of postmasters which had been favorably reported.

Mr. BARKLEY. I ask that the nominations of postmasters which have been favorably reported be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters which have been favorably reported are confirmed en bloc.

That concludes the Calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 1 o'clock and 56 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, April 17, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 16 (legislative day of April 8), 1940

UNITED STATES MARITIME COMMISSION

Thomas M. Woodward, of Pennsylvania, to be a member of the United States Maritime Commission for the term of 6 years from September 26, 1939, to which office he was appointed during the last recess of the Senate. (Reappointment.)

PROMOTIONS IN THE NAVY

The following-named commanders to be captains in the Navy, to rank from the date stated opposite their names:

Eugene T. Oates, September 23, 1939.

Daniel E. Barbey, April 1, 1940.

The following-named lieutenant commanders to be commanders in the Navy to rank from the 1st day of August 1939:

Albert E. Freed	Robert S. Smith, Jr.
Walker P. Rodman	Stephen K. Hall
Logan C. Ramsey	Frank N. Sayre
William E. Clayton	Ross A. Dierdorff
George M. O'Rear	Palmer M. Gunnell
Charles L. Andrews, Jr.	Raymond G. Deewall
Philip P. Welch	Charles M. Johnson
Harry A. Rochester	Henry L. Pitts

The following-named lieutenant commanders to be commanders in the Navy to rank from the 1st day of September 1939:

Raymond E. Farnsworth	Harvey R. Bowes
Norman E. Millar	Cyril E. Taylor
Scott E. Peck	Laurence Bennett
Emil B. Perry	

The following-named lieutenant commanders to be commanders in the Navy, to rank from the date stated opposite their names:

Marion E. Crist, September 23, 1939.
Robert D. Threshie, September 23, 1939.
Robert E. Robinson, Jr., September 23, 1939.
Karl J. Christoph, September 23, 1939.
John P. Vetter, September 23, 1939.
John F. Crowe, Jr., December 8, 1939.

The following-named lieutenants to be lieutenant commanders in the Navy, to rank from the date stated opposite their names:

Joseph M. Began, July 1, 1939.
Jeane R. Clark, August 1, 1939.
John S. Blue, August 1, 1939.
William C. Schultz, September 1, 1939.
Cameron Briggs, September 1, 1939.
Arthur H. Graubart, September 1, 1939.
William J. O'Brien, September 1, 1939.
William O. Gallery, September 1, 1939.
Harry F. Miller, September 23, 1939.
John O. Lambrecht, September 23, 1939.
William L. Wright, September 23, 1939.
Howard T. Orville, November 1, 1939.
Oliver F. Naquin, November 1, 1939.
Thomas H. Tonseth, December 8, 1939.
Waldeman N. Christensen, December 8, 1939.
Joseph H. Wellings, December 8, 1939.
William R. Headden, December 8, 1939.
Paul C. Crosley, December 29, 1939.
James M. Hicks, December 29, 1939.
Edward L. Beck, January 1, 1940.
William A. New, January 1, 1940.
William H. Standley, Jr., January 1, 1940.
Fred R. Stickney, January 1, 1940.
Warren P. Mowatt, January 29, 1940.
Carter A. Printup, February 1, 1940.
Bennett W. Wright, February 1, 1940.

The following-named Lieutenants (junior grade) to be Lieutenants in the Navy, to rank from the date stated opposite their names:

Harry E. Seidel, Jr., July 1, 1939.
Halford A. Knoertzer, August 1, 1939.
William J. Dimitrijevic, August 1, 1939.
Roland H. Dale, August 1, 1939.
James V. Reilly, September 1, 1939.
Paul H. Harrington, September 23, 1939.
Leon S. Kintberger, September 23, 1939.
Earl T. Hydeman, October 1, 1939.
John R. Van Evera, November 1, 1939.

Alfred L. Cope, November 1, 1939.
Richard C. Williams, Jr., November 1, 1939.
Harold L. Sargent, December 8, 1939.
Norman E. Blaisdell, December 29, 1939.
William P. Schroeder, December 29, 1939.
George R. Beardslee, January 1, 1940.
William B. Perkins, January 1, 1940.
Maximilian G. Schmidt, January 1, 1940.
Alvin W. Slayden, January 1, 1940.
Charlton L. Murphy, Jr., January 1, 1940.
Ralph M. Wilson, February 1, 1940.
Paul E. Emrick, February 12, 1940.
Robert O. Beer, February 20, 1940.
Earl R. Eastwold, February 20, 1940.

The following-named ensigns to be lieutenants (junior grade) in the Navy, to rank from the 4th day of June 1939:

William J. Lederer, Jr.
Edward E. Hoffman

John H. Cox to be an assistant surgeon in the Navy, with the rank of lieutenant (junior grade) to rank from the 2d day of April 1940.

Chaplain Herbert Dumstrey to be a chaplain in the Navy, with the rank of captain, to rank from the 1st day of August 1939.

Lieut. Joseph C. Wylie, Jr., to be a lieutenant in the Navy from the 1st day of September 1939, to correct the date of rank as previously nominated and confirmed.

The following-named lieutenants (junior grade) to be assistant paymasters in the Navy, with the rank of lieutenant (junior grade), to rank from the 4th day of June 1939:

John D. Hewitt 3d
Billy Johnson

The following-named ensigns to be assistant paymasters in the Navy, with the rank of ensign, to rank from the 3d day of June 1937:

Bernhard H. Bieri, Jr.	Clifford A. Messenheimer
Raymond F. Parker	Paul S. Burt, Jr.
William J. Held	Charles J. Zellner
Charles Stein, Jr.	Wesley J. Stuessi
Lewis O. Davis	Edward K. Scofield

The following-named ensigns to be assistant naval constructors in the Navy, with the rank of ensign, to rank from the 2d day of June 1938.

Irvin J. Frankel	James J. Stilwell
James F. Ellis, Jr.	John B. Shirley

Ensign John J. Cassidy, Jr., to be an assistant civil engineer in the navy, with the rank of ensign, to rank from the 2d day of June 1938.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 16 (legislative day of April 8), 1940

POSTMASTERS

OKLAHOMA

Tip J. Hammons, Hammon.
Clifford A. Shaw, Oakwood.

PENNSYLVANIA

Oliver F. Stolz, Carrolltown.
Harry Tarbotton, Jr., Darby.
Ambrose M. Schettig, Ebensburg.
Paul O. Holtz, Hastings.
John Harry Grube, Landisville.
Eleanor C. Brennan, Paoli.

HOUSE OF REPRESENTATIVES

TUESDAY, APRIL 16, 1940

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore, Mr. RAYBURN.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou ever blessed Lord, fill us with Thy Spirit that we may achieve great things in patience, in perseverance, in life, and in every good word and work. Grant that our zeal and diligence may inspire wise endeavor in those who are listless and careless. Though the signs of the times may give but little comfort, measured by the years, yet the power of truth will be augmented until it gives ascendency to a new world and man shall know the vastness of our Father's house. We beseech Thee to cause the shadow of retribution to fall across all those who are swayed by the scepter of injustice and inhumanity. The Lord God forgive our sins and save us from ourselves. If we are covetous, may we not become slaves to our own selfishness, nor prey of evil desire. More and more relate us to the eternal, timeless things, such as love, purity, and truth, and Thine shall be the praise forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 17 and 28 to the bill (H. R. 7922) entitled "An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1941, and for other purposes."

HOUR OF MEETING APRIL 24

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent that on Wednesday, April 24, on account of the memorial services, the House convene at 11:45 o'clock a. m.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a statement made by the President after he signed the Trade Agreements Act; also a statement by Secretary Hull when the bill passed the Senate.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. BLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix on the Wheeler-Lea transportation bill.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to extend my own remarks and include therein a radio address delivered over the blue network by myself.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. CULKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include certain tables and extracts.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that the gentleman from Vermont [Mr. PLUMLEY] may extend his remarks by including a speech made by Hon. W. Arthur Simpson.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my remarks and include letters from Presidents Lincoln and Buchanan.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. EDWIN A. HALL. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein some recent editorials from the Endicott Bulletin on the flood situation.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

ANTHRACITE COAL

Mr. FENTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. FENTON. Mr. Speaker, on March 2, 1939, it was my privilege to address the House on the results of my studies and surveys of the anthracite coal situation in Pennsylvania, at which time I called attention to the importance of making provision for the initiation of a program of scientific research on the utilization of anthracite coal as provided for in my bill (H. R. 5849) to provide for the rehabilitation of the anthracite coal industry by providing for the establishment, equipment, maintenance, and operation of a research laboratory in the Pennsylvania anthracite region to conduct researches and investigations on the mining, preparation, and utilization of anthracite coal, and to develop new scientific, chemical, and technical uses, and new and extended markets and outlets for anthracite coal and its products.

My bill further provides that—

Such laboratory shall be planned as a center for information and assistance in matters pertaining to the more efficient mining, preparation, and utilization of anthracite coal; and pertaining to safety, health, and sanitation in mining operations, and other matters relating to problems of the anthracite industry.

ANTHRACITE COAL RESERVES

In my previous speech I called attention to the fact that the present anthracite coal reserves are estimated at about 16,500,000,000 tons—about three-fourths of the original reserves.

All of the anthracite coal of any commercial importance lies in four major fields in eastern Pennsylvania within an area of 3,300 square miles—less 500 square miles of which are underlain by workable coal beds.

During my service in Congress I have endeavored to direct attention to the national importance and significance of scientific research looking to the development of new uses for anthracite and its products.

PROPOSED LEGISLATION FOR RESEARCH

It has been very pleasing as well as gratifying to me personally to observe the attention given to anthracite coal research since the introduction of my original bill, H. H. 4109, on February 14, 1939. This bill was superseded by H. R. 5849, which I introduced on April 18, 1939.

On February 27, 1939, my colleague the gentleman from Pennsylvania [Mr. FLANNERY] introduced H. R. 4543, and on May 25, 1939, my colleague the gentleman from Pennsylvania [Mr. VAN ZANDT] introduced his bill, H. R. 6529. All of these bills provide for Federal funds for research on anthracite coal.

On July 13, 1939, my colleague the gentleman from Pennsylvania [Mr. MOSER] introduced his bill, H. R. 7189, appropriating the sum of $54,500 to enable the Bureau of Mines to conduct research and experiments to find new uses for anthracite coal. This bill was passed by the House in the closing days of the first session, and is now before the Senate Committee on Mines and Mining.

As a result of the passage of a special act by the Pennsylvania Legislature, cooperative research has been undertaken by the Pennsylvania State College, in cooperation with the State department of mines and the coal industry. These researches at Pennsylvania State College cover gasification of anthracite, activation of carbon, and other lines of research of coal utilization.

All of these efforts are, of course, steps in the right direction and prove the soundness of my position in initiating activities for research on anthracite-coal utilization. I hope that a still larger program can be provided whereby the Federal Government, through its scientific and technical staff will be able to assist our people in the anthracite region in opening up new uses and markets for our coal.

It is not my intention at this time, however, to discuss in any detail the value of research of this character to our people in the anthracite region. It is rather my desire to discuss the other aspects of my bill, H. R. 5849, providing for this proposed laboratory to serve as a center for information and assistance in matters pertaining to safety, health, and sanitation in mining operations and other matters relating to problems of the anthracite-coal industries.

SAFETY AND HEALTH IN ANTHRACITE MINING

It must, of course, be recognized that matters pertaining to the safety and health of coal miners are of fundamental importance. The hazardous occupation of the miner requires that all possible precautions be taken to assure his safety during working operations.

Due primarily to the hazardous nature of anthracite-coal mining, such as large coal beds, pitching veins, and so forth, special hazards are encountered in the mines in our region. In my opinion continued research studies on matters pertaining to the safety and health of our miners should be encouraged.

The establishment of an anthracite-research laboratory as provided in my bill, H. R. 5849, will make possible these important studies and investigations.

But we are not only faced with the necessity of providing safety for our miners during actual mining operations. We are now confronted with the problem of safety for the homes of our people in the anthracite region. The recent experiences in Shenandoah, one of the largest towns in my district, has caused particular anxiety in our part of the anthracite-coal fields.

SHENANDOAH, PA., SURFACE SUBSIDENCE

Early Monday morning, March 4, a 17-block area in Shenandoah, a thriving borough of approximately 22,000 people, was badly damaged by surface settling or what we commonly call cave-in conditions.

A large number of properties, including homes and business places and public schools, were affected. The residents in the section of the town affected by the surface subsidence are very much alarmed as to their future safety. The uncertainty as to whether there will be a further serious development involving not only this area but other sections of Shenandoah is causing a great deal of concern.

The direct cause of this surface disturbance in our section of the anthracite region is now being investigated by State and local authorities. Our people in the region are naturally very much interested in ascertaining the facts and circumstances contributing to this condition.

Here again it is my feeling that the Federal engineers in the Bureau of Mines can cooperate with the Pennsylvania State Department of Mines in conducting investigations relating to surface subsidence and development of efficient control measures. I am hopeful that some plan can be worked out to make funds available for this important undertaking.

A study of safety in mining operations, both as it may affect the coal miner at his work as well as his family at home, certainly should be encouraged by the Federal Government.

SURFACE SUBSIDENCE IN ANTHRACITE REGION

This recent surface subsidence at Shenandoah indicates the importance of determining definitely the factors that contributed to this condition and the working out of methods for prevention of occurrences of this character in other anthracite mining towns.

I am told it is the opinion of many prominent mining men that under certain conditions the most practical way of preventing loss of unmined coal in pillars and of protecting surface property from damage by subsidence is by filling the workings with refuse material. The value of mine filling as a roof support for surface protection has long been recognized.

United States Bureau of Mines Bulletin No. 60, by Charles Enzian, discusses the use of hydraulic mine filling in the Pennsylvania anthracite mine fields. The author states:

Hydraulic mine filling has played an important part and been highly effective in the prevention of surface subsidence. Further consideration should be given to hydraulic mine filling as a means of prevention of such surface subsidence as has occurred in Shenandoah.

I also favor further appropriation of funds for engineering studies of the factors contributing to surface subsidence or settling. This subject should be given particular attention by

the Bureau of Mines with special attention to the heavy veins in the western and southern anthracite regions.

SAFETY IN ANTHRACITE MINING

One of the important provisions in H. R. 5849 is to make possible studies pertaining to the safety and health of anthracite miners and to the sanitation conditions under which they work.

The hazards of mining are well known and many lives have been lost from explosions of mine gases, explosions of blasting materials, falls of roof and coal, and haulage and transportation accidents, and other causes.

Some attention has been given to studies of "anthracosis," resulting from breathing the coal dust in anthracite coal mines and the effect on the miner. Further research is essential to acquire accurate data on this subject, which have for years been so vitally important to anthracite miners.

ANTHROSILICOSIS (MINERS' ASTHMA) AMONG HARD-COAL MINERS

The United States Public Health Service has made a preliminary study of the nature and prevalence of chronic, incapacitating miners' asthma. The results of this study are published in Public Health Bulletin No. 221, entitled "Anthrosilicosis Among Hard-Coal Miners."

In making this study, a representative mine was selected in each of the three districts in which the anthracite-coal field is divided by geological formation and by method of mining. One of the mines selected was in the northern, one in the southern, and one in the western middle area. It was agreed that all employees, including office, breaker, and other outside workers, as well as all underground employees, would be examined in each of the three mines selected for study.

Anthrosilicosis is a chronic disease due to breathing air containing dust generated in the various processes involved in the mining and preparation of anthracite coal.

The Public Health Service reports that according to their conclusions, based on the examination of 2,711 men—about 96 percent of the number on the pay roll of three representative anthracite coal mining companies studied—the prevalence of anthrosilicosis among the entire group of employees was found to be about 23 percent, almost one-quarter of the total number. The mortality from respiratory diseases was found to be much greater among anthracite workers than in the general adult male population of the country. This important problem, which greatly affects the welfare of our miners, should be given some attention.

In considering safety in anthracite mining the following conclusions can be obtained from the publications of the Federal Bureau of Mines:

First. Accident rates—especially fatality rates—in anthracite mines from falls of roof and coal are higher than corresponding rates for other types of underground mining in the United States.

Second. Accident reports published by the Bureau of Mines indicate that where the number of accidents of all types in anthracite mines is being reduced gradually those caused by falls of roof and coal still are responsible for over 50 percent of the fatalities, and in 1 year were responsible for 140 deaths and almost 3,000 lost-time injuries.

Third. Statistics on roof-fall accidents reveal that anthracite mines have the highest death rate of all underground mines.

Fourth. The injury rate for handling materials, especially timber, is higher for anthracite mines than for any other type of mine. In fact, there are more lost-time injuries from this cause than from any other except roof falls and haulage.

Fifth. Accident rates for handling material in 1935 were three times as high for anthracite than for metal mines and almost three times as high for bituminous-coal mines.

EXPLOSIONS IN ANTHRACITE MINES

According to reports of the Bureau of Mines, there have been a total of 1,243 explosions in anthracite-coal mines from 1847 to 1937, causing the death of 2,252 miners.

Many of these explosions were due to the ignition of explosive mine gases and also explosions during placing operations. Although progress has been made in recent years in controlling mine explosions, this matter will always be of fundamental importance to the coal-mining industry.

Such matters as adequate mine ventilation, improved methods of lighting, safe blasting methods, and similar matters pertaining to mine explosions should be given further attention.

HEALTH IN ANTHRACITE MINING

Being a medical doctor, I am naturally interested in health conditions as they relate to anthracite mining. My experiences over a number of years on the staff of one of our hospitals in the coal regions has given me a first-hand picture of the conditions surrounding accidents, injuries, and health matters as they concern the miner.

The Bureau of Mines reports that the subject of health in mining has not been given the attention it warrants. This is particularly true as to the occurrence of dusts, high humidity, and other influences harmful to the health of the mine worker.

Although definite statistics are not and probably never will be available, it is almost a certainty that far more underground workers are incapacitated or die immediately from breathing excessive amounts of dusts than are killed by mine explosions and fires.

Air conditioning, now practically in its infancy in general industry, offers a possible fruitful means of safeguarding the comfort and health and, to some extent, the safety of the mine worker.

A few mining companies are making air-conditioning installations, although definite data on results are not at hand. Further research should be carried on to discover feasible methods of air conditioning coal mines.

The Bureau of Mines has done much work on ventilation of mines as well as on methods of reducing dust and heat humidity. These studies should be continued and expanded to include anthracite-coal mines.

Research work on health and safety in the mining and allied industries offers large remuneration in salvation of life and limb as well as in dollars and cents for dividends as well as capital investment.

Pertinent questions in connection with occupational diseases are harassing industry—both workers and employers—and the mining industry is very deeply affected.

Much work should be done on the subject of the effect of dust on the miner since thousands of workers are incapacitated annually by dust diseases and hundreds die of it. Suits involving many millions of dollars have been in court in connection with dust diseases in mines and tunnels.

The prevention of dust diseases in mining is a problem that unquestionably can be solved by further research, such as contemplated in the research laboratory provided for in my bill. The investigations of the Bureau of Mines should be expanded to include studies of dust conditions affecting the anthracite miner.

There are numerous other health and safety problems in the mining and allied industries that can be studied with a view to solution. While much progress has been made during recent years in safety in all kinds of mining, it has been estimated by the Bureau of Mines that accidents in the mining industry could be still further reduced from 50 percent to 75 percent below what they are now. This would amount to financial savings of millions of dollars annually to both workers and operators to say nothing of the admittedly great humanitarian and sociological benefits which would certainly occur to the entire Nation.

FIRST-AID TRAINING PROGRAMS

The anthracite-coal region has pioneered in first-aid training for mine employees.

As early as 1907 some of the coal companies in our section of the region began to develop plans for training their employees in both mine-rescue and first-aid work.

This first-aid-training work has given valuable returns and has provided well-trained first-aid organizations at many of our mines. Training work of this character should be encouraged and continued in every mining region in the United States. As a medical doctor I know its practical value.

The Bureau of Mines, in cooperation with the coal companies, has done very valuable work in first-aid-training campaigns in the anthracite region. In the period from January 1934 to September 1939 a total of 1,327 first-aid instructors had been trained with a grand total of 38,059 miners trained in first-aid work. Much of this work was done in my own district and I have been able to make first-hand observations as to its value.

RESEARCH IN ANTHRACITE LABORATORY

I have endeavored in this brief space to indicate the various kinds of research studies and investigations provided for in my bill, H. R. 5849, providing for the establishment of a research laboratory in the anthracite-coal region.

In my opinion the most practical way to study and investigate problems peculiar to anthracite-coal mining and utilization is to provide the necessary facility in the region where actual mining operations are carried on and where the problems affecting the life and safety of our people can be studied by direct contact with the people concerned.

The major problems that a research laboratory of this character could undertake would include the following:

First. Working out new industrial uses for the utilization of anthracite coal and its products.

Second. Improvement in mining methods with increased mining efficiency.

Third. Studies of facts contributing to surface subsidence and development of methods for control and prevention.

Fourth. Safety and health of anthracite miners and methods for protection during mining operations.

Fifth. Matters pertaining to problems peculiar to the anthracite coal industry.

Research of this character would be helpful to the people in our region. It would be the means of stimulating the entire anthracite-coal region and restoring the confidence of our miners.

It is my intention to devote every effort to secure the support of the Federal and State Governments in this undertaking, which is so vital to the welfare of our people. [Applause.]

REPORT FROM ACTING COMPTROLLER GENERAL OF THE UNITED STATES

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein two letters signed by public officials.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. COCHRAN. Mr. Speaker, during the many years that I have been a Member of Congress, I have seen many Government reports but I can conceive of no more plain political bunk than the report which was submitted to the Speaker of the House under date of April 12 signed by Hon. R. N. Elliott, Acting Comptroller General of the United States, calling attention to certain schools and training courses which are being conducted in or by Government departments and independent establishments. This report was referred to the Committee on Expenditures in the Executive Departments, of which I am chairman.

The report contains 74 pages and Mr. Elliott seemed rather exercised to learn that in several instances fees and tuition are charged for the courses and that there has been accumulated a considerable sum over and above operating expenses, especially in reference to the school in the Department of Agriculture, the head of which is Dr. A. F. Woods, a retired Federal employee who was formerly connected with the Bureau of Plant Industry. It seems that this school has in its treasury at the present time a few thousand dollars. Mr. Elliott calls attention to the fact that no accounting is made to the Government of the money. Why should any accounting be made to the Government when no Government funds are involved? Mr. Elliott cites a statute of the Budget and Accounting Act of 1921, section 312a, in support of his contention that it appears to him that many of the courses go far beyond the strict training of employees for the better performance of their official duties. If he would have cited the Deficiency Act of March 3, 1901, he would have found that the activities of the school do not go beyond existing law.

Under the leave granted me, it is my intention to place in the RECORD a letter addressed to the Secretary of Agriculture in 1931 by the then Comptroller General, Mr. McCarl, and the reply of the Acting Secretary of Agriculture, Hon. R. N. Dunlap, which is a complete answer to Mr. Elliott's fears. As Mr. Elliott knows, like himself, these officials are Republicans.

I noticed in the report that Mr. Elliott devoted a great deal of space to private organizations set up for the purpose of assisting ambitious young men and young women, which has absolutely no bearing upon the schools in question. Why waste public funds in making such foolish investigations and reports?

I am going to call the attention of one outstanding school which has been in operation and it so happens that only yesterday a new class was enrolled. It was the fourteenth session of the Federal Bureau of Investigation's National Police Academy conducted by Director J. Edgar Hoover. Police officials from all over the United States, nearly 500 in number, have graduated from this academy. The cooperation from the local authorities with the F. B. I. as a result of this school has proved to be of extreme value not only to the Government but to the various police organizations throughout the country.

I might add that the present school in the Department of Agriculture was started in 1921 upon the recommendation of the Honorable Henry C. Wallace, the then Secretary of Agriculture in President Harding's Cabinet. Mr. Wallace, a Republican, was the father of the present Secretary of Agriculture. This is the first time the school has ever been subject to any criticism. It is serving a useful purpose. [Applause,]

Mr. Speaker, the attached correspondence speaks for itself:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, September 3, 1931.

The honorable the SECRETARY OF AGRICULTURE.

SIR:

* * * * * * *

Under the Director of Scientific Work the Department conducts an educational enterprise known as the graduate school in connection with which courses are now being offered in the field of agricultural science, chemistry, economics, statistics, and languages. It is understood that these courses are conducted in the offices and laboratories of the Department, and that such supplies and equipment as are necessary in connection therewith are provided from official stocks or funds. The lectures, etc., occur after hours, and generally the classes are tutored by employees of the Department. Participating students are required to pay a fee of $25 for two semesters, and it is understood that such fees are paid as compensation to the respective lecturers. Advice as to the authority under which this school is conducted will be appreciated.

* * * * * * *

Respectfully,

J. R. MCCARL,
Comptroller General of the United States.

OCTOBER 8, 1931.

The honorable the COMPTROLLER GENERAL.

SIR: I have your letter of September 3, 1931, concerning certain practices of the Department, and while other matters mentioned will be taken up in separate communication, I am pleased to advise you herewith as to the matter of the graduate school referred to on the second page of your letter.

After mentioning certain details of the work of the school as you understand it to be conducted, some of which are not in accordance with the facts, you ask to be advised as to the authority under which this school activity is conducted.

By joint resolution of April 12, 1892 (27 Stat. 395), Congress provided as follows:

"That the facilities for research and illustration in the following and any other governmental collections now existing or hereafter to be established in the city of Washington for the promotion of knowledge shall be accessible, under such rules and restrictions as the officers in charge of each collection may prescribe, subject to such authority as is now or may hereafter be permitted by law, to the scientific investigators and to students of any institution of

higher education now incorporated or hereafter to be incorporated under the laws of Congress or of the District of Columbia, to wit:

"1. Of the Library of Congress.
"2. Of the National Museum.
"3. Of the Patent Office.
"4. Of the Bureau of Education.
"5. Of the Bureau of Ethnology.
"6. Of the Army Medical Museum.
"7. Of the Department of Agriculture.
"8. Of the Fish Commission.
"9. Of the Botanic Gardens.
"10. Of the Coast and Geodetic Survey.
"11. Of the Geological Survey.
"12. Of the Naval Observatory."

By the Deficiency Act of March 3, 1901 (31 Stat. 1010, 1039), Congress provided as follows:

"That facilities for study and research in the Government departments * * * shall be afforded to scientific investigators and to duly qualified individuals, students, and graduates of institutions of learning in the several States and Territories, as well as in the District of Columbia, under such rules and restrictions as the heads of the departments and bureaus mentioned may prescribe."

This activity of the Department of Agriculture has been recognized and enjoyed for a number of years by the local institutions of learning. In the George Washington Catalog for 1931–32, on page 55, under the heading "Governmental institutions accessible to students," the joint resolution of April 12, 1892, is quoted with an explanatory statement that Congress has thus made the scientific resources of the Government accessible to students in order to promote research and the diffusion of knowledge.

The Department believes that in the conduct of this graduate school it is merely carrying out the expressed will of the Congress. The fees charged, which the Secretary has determined to be necessary to make the school a going concern, are very small; they are not "paid as compensation to the respective class lecturers," though they do go into the graduate-school fund (now amounting to about $7,000), which is used not only to pay the sum of $5 per lecture to each lecturer but to pay for all supplies and equipment necessary for laboratory and lecture work, except that the Department handles some of the mimeographing and routine correspondence necessary to make its facilities for study and research available to students.

Although it would seem to be plain, from the acts of Congress above quoted, that it would be proper to use supplies and equipment from official stocks in the work of the school, inasmuch as they are departmental "facilities" authorized by Congress so to be used, the school does not do so, but buys its own supplies and equipment, and if in the course of classroom or laboratory use any Government property is used or consumed, it is at once replaced from the school fund. No Government funds are used in the conduct of this school, the only Federal expense involved being the wear and tear in the use of the rooms or laboratories where the school work is conducted and the mimeographing and routine correspondence above referred to, which is believed to be contemplated and authorized by Congress in the acts above quoted.

Respectfully,

R. N. DUNLAP, *Acting Secretary.*

Mr. Speaker, I now include a statement prepared by the Graduate School of the Department of Agriculture:

The Graduate School of the United States Department of Agriculture in Washington, which was referred to more than any other in the report, is an unofficial institution of higher education, organized in 1921 to make available to Government employees systematic opportunities to prepare themselves for more efficient service in their present positions and also to prepare themselves for higher classifications.

Many Government employees are able to supplement their previous education by pursuing courses at local institutions. But in a number of special fields the desired courses are not available in these institutions, or they are given during the day, when Government workers cannot attend the classes, or for some other good reason the employee is not able to get the work desired in a local college. Hence the opportunity afforded by the systematic work organized to meet the special needs of Government workers is essential to the effective prosecution of the Federal services.

HISTORY

The demand for continued educational opportunity was first formally recognized in the Federal Government when the Bureau of Standards, in 1908, inaugurated a program of graduate study conducted outside of working hours. The results were so successful that a similar plan was finally adopted by the Department of Agriculture. This was done after careful consideration of the recommendations of the Joint Reclassification Commission and after consultation with deans of graduate schools and colleges of agriculture, with university presidents, and with other leaders in higher education throughout the country, who gave not only unanimous approval but cordial assurances of cooperation.

With the approval of the Secretary of Agriculture, the graduate school was formally opened in 1921.

During the first year, 1921–22, some 213 students enrolled in the following courses: Statistical methods, genetics, crystallography, agricultural economics, statistical mechanics, mycology, plant physiology, and biochemistry.

The figures for the past year (1938–39) of a total registration of 2,361 students in 110 courses, not including special lecture courses, tells the story of a steady growth and interest in the opportunities offered.

ORGANIZATION AND ADMINISTRATION

Authority for the establishment of the school is derived from joint resolution April 12, 1892 (27 Stat. 395), and the act of Congress of March 3, 1901 (31 Stat. 1010, 1039), providing that "Facilities for study and research in Government departments shall be afforded to scientific investigators and to duly qualified individuals and students under such rules and restrictions as the heads of departments and bureaus may prescribe." See also the organic act establishing the Department of Agriculture (Rev. Stat., sec. 520).

Under this authority the school is supervised by an administrative committee and by a director appointed by the Secretary of Agriculture. The members of the committee are heads of bureaus and other specialists in the Department.

Subject to this formal supervision by the Department, the school operates independently. Its financial operation is separate from governmental budgetary administration, for it was organized as an unofficial undertaking and has never received any congressional appropriation and its classes are held after official hours.

The director is assisted by six assistant directors designated by him, in charge of the following subject-matter groups: I. Mathematics and physical science; II. Social science; III. Biological science; IV. Economics; V. Personnel training; VI. Language and literature.

FACULTY

Most of the 140 instructors in the school are recognized specialists, largely in scientific fields, employed in the Government service. A large proportion of them have left university faculties to come to Washington; they are therefore seasoned classroom teachers, familiar with the best academic practice. Some are faculty members in nearby universities. An alphabetical list of instructors, showing degrees, institutions from which received, subjects taught, is available on request.

STUDENTS

About half of the students are employees of the Department of Agriculture. The rest are from over 50 Government departments and agencies, together with a small registration of men and women outside of the Government.

CURRICULUM

The curriculum includes in the current year (1939–40) the following divisions: Accounting, biology, chemistry, economics, engineering, geography, history, modern languages, public speaking, management, mathematics, meteorology, philosophy, psychology, sociology, soil conservation, statistics, and English composition, English literature, and editing. The curriculum is flexible and changes from year to year as the demands of the service require.

The majority of the current 110 courses are of graduate level. The rest are of the standard undergraduate character, needed by many employees, especially in languages and mathematics. In addition are provided a few courses of a clerical and secretarial nature.

FACILITIES

In no other city in the country is assembled a comparable range of educational facilities. The Library of Congress, unequaled in most major fields of knowledge, the numerous specialized departmental libraries, and the National Archives in a new building, the museums, such as the Smithsonian Institution, National Museum, art galleries, and the various collections and laboratories—all are available to the student. In the Department of Agriculture itself is housed a library of about 400,000 volumes, the largest in the world within several fields. One of the special divisions of this library is the social science reading room, open until 9 every evening.

Courses are conducted in nearly 50 class and lecture rooms and laboratories, most of which are in the South Building of the Department. Six other Government buildings, such as those of the Smithsonian Institution, provide space for courses requiring special facilities. The school has provided all necessary classroom equipment and apparatus.

GENERAL REGULATIONS

Graduate credit can be obtained only by person having a bachelor's degree from an accredited college. Whenever possible, students are required to arrange their program in advance with the college in which they are registered or plan to register for a degree. Except in certain upper undergraduate courses approved as a part of the program, undergraduate courses may be required without credit. Each student must file an official transcript of his collegiate record. The record must show the satisfactory completion of an undergraduate major in the subject chosen for specialization in the graduate school.

RELATIONS TO OTHER INSTITUTIONS

As emphasized in foregoing statements, the school aims not to compete but to cooperate with other institutions of higher learning. It has no authority to grant academic degrees. But, from the beginning, its certification of credits for certain courses has been accepted by universities in all parts of the country. Among these institutions are Columbia, Cornell, Harvard, Johns Hopkins, and Yale Universities, the Universities of Chicago, Michigan, Iowa, Oregon, California, Kansas, Missouri, and Louisiana, and the Massachusetts Institute of Technology. Since 1926 semester certifications issued total 2,015; 1,647 of these are of graduate, advanced undergraduate, or highly technical grade, and 368 of definitely undergraduate level.

The school also certifies credits to the Civil Service Commission as prerequisite courses for taking certain civil-service examinations.

A list of courses available is published twice a year, in September and January, and is sent to all colleges and universities and the

Civil Service Commission and to all Government departments and to individuals upon request.

UNDERGRADUATE COURSES

Such undergraduate courses as are found to be desirable are conducted separately from the graduate programs though under the same general administrative control.

Fifteen standard high-school units of work are required as prerequisite for undergraduate courses for credit. Those who have not completed undergraduate programs are urged to do so if possible at an available college.

Some of the courses offered are of a special in-service training nature designed for training on the job and are therefore not given for academic credit and are certified only on a non-academic basis; others are standard undergraduate courses and may be accepted at the discretion of the institution to which certified, when they meet its requirements. Under this system one semester credit is granted for 30 class hours of work plus the required reading and preparation.

PUBLIC LECTURE SERIES AND PUBLICATIONS

One of the most notable services rendered by the school is the series of public lecture courses given by leading authorities, attendance at some of which has taxed the capacity of the auditorium, seating over 600. Among these courses have been series on The History of Science, Public Health, Personnel Administration, Fundamentals of Democracy, Personality Adjustment, and Statistical Methods.

A number of these series have been published at cost and are in widespread demand by libraries, and particularly at colleges and universities, where they are used as regular texts.

These publications include the following: On Least Squares, Lectures and Conferences on Mathematical Statistics, On the Statistical Theory of Errors, Lectures on the Statistical Method, Administrative Management, Current Economic Problems, Elements of Personnel Administration, Understanding Ourselves: A Survey of Psychology Today, and The Adjustment of Personality.

In the revised edition of Introduction to the Study of Public Administration, by Leonard White, professor of public administration in the University of Chicago and former Civil Service Commissioner, is included a brief description of this graduate school, from which, by permission of The Macmillan Co. and Dr. White, two paragraphs are quoted (p. 364):

"Without question, the most elaborate and most successful in-service training institution is the Graduate School of the Department of Agriculture.

"The high standards of instruction and the breadth of training afforded by the graduate school mark it as one of the foremost training institutions of its kind in the world."

EXTENSION OF REMARKS

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend the remarks which I will make in Committee of the Whole and to include two short articles on the Walter-Logan bill.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my remarks in two respects, one to include a radio address and the other to include some letters I have received.

The SPEAKER pro tempore. Without objection, the requests are granted.

There was no objection.

Mr. WALTER. Mr. Speaker, I ask unanimous consent to extend my remarks and to include a series of news articles published by one of the leading chains of newspapers in America.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. LEAVY. Mr. Speaker, I ask unanimous consent that on Thursday next, after the reading of the Journal and the disposition of other business and any other special orders that may have been entered, I may address the House for 20 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

REFUGEES FROM FINLAND

Mr. GEHRMANN. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER pro tempore. The Chair cannot entertain such a request. The Chair will entertain a request for the gentleman to address the House for 1 minute.

Mr. GEHRMANN. Mr. Speaker, this is an extraordinary occasion, and I just want a minute or two to say something about a couple of children that were rescued in Finland.

The SPEAKER pro tempore. Without objection, the gentleman may address the House for 1 minute.

There was no objection.

Mr. GEHRMANN. Mr. Speaker, I am very proud to be able to announce that there are two children in the gallery——

The SPEAKER pro tempore. The gentleman from Wisconsin will suspend. The Chair calls the gentleman's attention to the fact that it is a violation of the rules of the House for a Member on the floor to introduce anyone in the gallery.

Mr. GEHRMANN. Mr. Speaker, I beg the Chair's pardon, but I am not introducing them. I just want to say that there are two children who were stranded in Finland in the war zone. They got out of there just before——

The SPEAKER pro tempore. The gentleman's remarks are still a violation of the rules of the House.

Mr. GEHRMANN. Mr. Speaker, it would seem that the extraordinary occasion, the fact that the State Department interested itself——

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

EXTENSION OF REMARKS

Mr. RISK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address delivered by my colleague the gentleman from Rhode Island [Mr. SANDAGER].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. WOODRUM of Virginia. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short article by David Lawrence.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. CROSSER asked and was given permission to revise and extend his own remarks.

AMENDMENT TO MOTORBOAT LAWS

Mr. BLAND. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 6039) to amend laws for preventing collisions of vessels, to regulate equipment of certain motorboats on the navigable waters of the United States, and for other purposes, with Senate amendments, and to agree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, strike out lines 16 to 18, inclusive.
Page 2, line 19, strike out "(b)" and insert "(a)."
Page 2, line 19, strike out "class 1" and insert "classes A and 1."
Page 3, line 3, strike out "(c)" and insert "(b)."
Page 3, strike out lines 24 and 25 and lines 1 to 6, inclusive, on page 4, and insert:
"(c) Motorboats of classes 2 and 3, when propelled by sail and machinery, or by sail alone, shall carry the colored side lights, suitably screened, but not the white lights prescribed by this section: *Provided, however,* That motorboats of all classes, when so propelled, shall carry, ready at hand, a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision: *Provided further,* That motorboats of classes A and 1, when so propelled, shall not be required to carry the combined lantern prescribed by subsection (a) of this section."
Page 4, line 7, strike out "(e)" and insert "(d)."

Mr. MICHENER. Mr. Speaker, reserving the right to object, is this agreeable to the minority members of the committee?

Mr. BLAND. This was brought up in a meeting of the committee this morning when there was one other Democrat present and four or five Republicans, including the ranking minority member, the gentleman from California [Mr. WELCH]. It was agreed to by all present.

Mr. MICHENER. In general, what is the effect of the changes made by the Senate?

Mr. BLAND. They are very brief. In general the first amendment requires a combination white light to be carried and leaves the law as it is today. We had made some little change, but it was thought it would be better to leave the law as it is and require a certain additional light to be used on those smaller boats.

The other amendment came about as the result of a construction made by the Bureau of Navigation which was found not to exist. It has reference to the maintenance of white lights on certain classes of boats.

Mr. MICHENER. Mr. Speaker, I withdraw my reservation of objection.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, has any change been made in the regulations concerning motorboats on the Great Lakes?

Mr. BLAND. Not in the amendments. I do not recall whether there was in the original bill or not, but not in the amendment. I may say to the gentleman from Michigan that these amendments are Senator VANDENBERG's amendments.

Mr. WOLCOTT. There has been no change in the bill except as the gentleman has explained?

Mr. BLAND. That is all.

The Senate amendments were agreed to, and a motion to reconsider was laid on the table.

THE FEDERAL DEFICIT

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. RICH. Mr. Speaker, I am going to talk about a new subject this morning. [Applause.] It will be new to you New Deal Democrats who applaud, because I want to say to you that as of April 11 we are $2,924,956,701.14 in the red on this year's operations of the Government. Is not this new to you? Certainly it is.

I now want to call your attention to the fact that you cannot go on spending $8,000 a minute more than you take in. You have about reached the national debt limit. Something terrible is going to happen unless you come to realize your error. You Democrats have not thought of bringing in a new tax bill. You Democrats have not thought of trying to cut down these expenses. All you have done this session is to appropriate, appropriate, appropriate! Is that new to you? No; that is not new—these terrible extravagant appropriations. But where are you going to get the money? Not one of you can answer that question. You do not know and I do not think the new dealers care. It is a terrible position you have the country in; correct it at once before it is too late. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. HENNINGS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial from the St. Louis Post-Dispatch. I also ask unanimous consent to extend my remarks and to include therein an editorial from the Washington Times-Herald.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. ALLEN of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article by J. D. A. Morrow, of the Pittsburgh Coal Co., expressing the damaging effects of the National Bituminous Coal Act of 1937 on the bituminous-coal industry.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent that on tomorrow after the disposition of the order of business for the day and any special orders that may have heretofore been entered I may address the House for 10 minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. WALTER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 6324) to provide for the more expeditious settlement of disputes with the United States, and for other purposes.

Mr. RANKIN. Mr. Speaker, I make the point of order there is not a quorum present.

The SPEAKER pro tempore. The gentleman from Mississippi, I presume, understands the situation?

Mr. RANKIN. Yes. I will withhold the point of order and make it on the motion. I want a quorum present. If we are going to discuss this bill we want the Members to hear both sides. This is more important than the ball game.

The SPEAKER pro tempore. The gentleman can make his point of order now, then.

Mr. RANKIN. Mr. Speaker, I make the point of order there is not a quorum present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. COOPER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 71]

Arnold	Ditter	Kee	Sabath
Barton	Douglas	Keller	Sacks
Bates, Ky.	Durham	Kelly	Scrugham
Bates, Mass.	Engel	Kirwan	Seccombe
Beam	Fitzpatrick	Lea	Secrest
Bell	Gifford	McDowell	Shafer, Mich.
Bradley, Pa.	Gilchrist	McGranery	Simpson
Buckley, N. Y.	Gore	McLean	Somers, N. Y.
Burch	Green	Maciejewski	South
Burgin	Harness	Maloney	Starnes, Ala.
Byrne, N. Y.	Harter, N. Y.	Mansfield	Steagall
Camp	Harter, Ohio	Martin, Ill.	Stearns, N. H.
Carter	Healey	Massingale	Sweeney
Cartwright	Hoffman	Merritt	Thill
Casey, Mass.	Hook	Myers	Tibbott
Claypool	Houston	O'Day	Voorhis, Calif.
Coffee, Wash.	Jarman	Patrick	Wadsworth
Connery	Jennings	Patton	Wheat
Darrow	Johnson, Ill.	Plumley	Whelchel
Dingell	Johnson, Luther	Rabaut	White, Ohio

The SPEAKER pro tempore. On this roll call 347 Members have answered to their names. A quorum is present.

On motion of Mr. COOPER, further proceedings under the call were dispensed with.

PROMOTION-LIST OFFICERS OF THE ARMY

Mr. LEWIS of Colorado, from the Committee on Rules, submitted the following privileged resolution (Rept. No. 1963), which was referred to the House Calendar and ordered to be printed:

House Resolution 466

Resolved, That immediately upon adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of H. R. 9243, a bill to provide for the promotion of promotion-list officers of the Army after specified years of service in grade, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Military Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit.

THE LOGAN-WALTER BILL

Mr. WALTER. Mr. Speaker, I renew my motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 6324) to provide for the more expeditious settlement of disputes with the United States, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 6324, with Mr. KERR in the chair.

The Clerk read the title of the bill.

Mr. GUYER of Kansas. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. HANCOCK].

Mr. HANCOCK. Mr. Chairman, it is not my purpose to discuss the bill under consideration in detail. I am not prepared for that. It has been fully explained by the able chairman of the subcommittee of the Judiciary Committee [Mr. WALTER] and the other members of his subcommittee who bring the bill before us. I wish to go on record as favoring this much-needed and long-delayed reform and to submit a few general observations.

Administrative law has been developing in this country for a great many years, as the complexity of the Government has grown and new functions have been assumed. During the last 7 or 8 years dozens of new governmental agencies have been created in a desperate effort to cure our economic ills by bureaucratic control. Administrative law has mushroomed alarmingly and the harassed businessman has been driven frantic in his efforts to obey the multitude of rules, regulations, and orders promulgated by the inexperienced and dreamy eyed young men who have undertaken the task of "permanently readjusting many of our social and economic arrangements."

I have not forgotten that one of the high priests of the New Deal in its early days, who I believe is now in the molasses business, once said:

> We have a century and more of development to undo * * * and it may require the laying of rough, unholy hands on many a sacred precedent, doubtless calling on an enlarged and nationalized police force for enforcement.

Rough, unholy hands have indeed been laid on many a sacred precedent, and by this bill we propose to stop it.

Five or six years ago regulations were issued, revised, and rescinded, and reissued with bewildering rapidity and all without notice to the citizens affected thereby, and all with the force and effect of law. It was impossible for men in business to ascertain what was forbidden and what was permitted. This confused state of affairs was corrected by the passage of a law requiring that governmental regulations and orders be filed with the United States Archivist and published in the Federal Register before they became effective. This bill will make a longer and more important step toward orderly government by compelling the numerous Government agencies to adopt rules and apply them in accordance with the law of the land.

I doubt if there is a Member of this Congress who cannot cite from his personal knowledge many instances of autocratic, arbitrary, unreasonable, and illegal exercise of authority by our younger bureaus. In some cases this can be attributed to the fact that there are men in high places who are impatient of constitutional restraints and believe the framework of our Government has been outmoded. But for the most part, I believe the bureaucratic conduct we complain about is due to an excess of zeal. The attempts to obtain enlarged authority by departments and agencies and to usurp the functions of each other are familiar phenomena. It is natural for members of boards and commissions to feel that their objectives are of supreme and paramount importance. They cannot be criticized for that, but their activities must be kept within legal limits if we wish to avoid bureaucratic absolutism.

When commissions, boards, authorities, or bureaus are created by act of Congress to perform certain defined functions, they are given authority to make rules to effectuate those functions; and when they make such rules, they are acting in a quasi-legislative capacity. The proposed law would compel them to follow the legislative practice of Congress, which from the beginning has held open public hearings on proposed legislation of general public interest. Americans abhor star-chamber proceedings.

The bill provides that administrative rules shall be issued "only after publication of notice and public hearings." A right of appeal is given to those affected by any administrative rule, but—

> No rule shall be held invalid except for violation of the Constitution or for conflict with a statute or for lack of authority conferred upon the agency issuing it by the statute or statutes pursuant to which it was issued, or for failure to comply with section 2 of this act.

Section 2 requires publication of notice and public hearings before an administrative rule can be issued.

This provision does not permit the court to substitute its judgment for that of an administrative agency. It merely compels the latter to keep within the law. How can any man who believes in our system of justice complain about this feature of the bill?

When an administrative agency applies its regulations to individual cases, it acts in a quasi-judicial capacity, and the bill will require the agency to comply with the elementary rules of court procedure. Intra-agency boards are set up to hear and determine the complaint of an aggrieved person, who "shall have an opportunity at an early day for a full and fair hearing before such board." Written findings of fact, the right to subpena witnesses, and other incidents of ordinary court procedure are provided for. Here, too, a right of appeal to a circuit court of appeals is afforded, but a decision of an agency shall not be reversed unless—

> It is made to appear to the satisfaction of the court (1) that the findings of fact are clearly erroneous; or (2) that the findings of fact are not supported by substantial evidence; or (3) that the decision is not supported by the findings of fact; or (4) that the decision was issued without due notice and a reasonable opportunity having been afforded the aggrieved party for a full and fair hearing; or (5) that the decision is beyond the jurisdiction of the agency or independent agency, as the case may be; or (6) that the decision infringes the Constitution or statutes of the United States; or (7) that the decision is otherwise contrary to law.

The judgments of the circuit courts of appeals are made final, except for review by the Supreme Court on writs of certiorari.

These provisions do not interfere with the discretionary powers of the bureaus; they simply compel the bureaus to be law abiding; and they protect American citizens against bureaucratic tyranny.

This bill is not a hasty or ill-considered piece of legislation. It is the product of the best legal minds in the American Bar Association and other leading bar associations throughout the Nation, as well as of able members of the Judiciary Committees of the Senate and the House, after years of study. It has their strong support, and the support of important business, labor, and farm organizations throughout the country.

Its principal opponents are the bureaucrats themselves, who feel they are better qualified to pass on the legality of their actions than the courts. No reasonable man will agree with them.

Too often the men appointed to regulatory bodies are without experience in the private activities they are appointed to regulate. They are likely to be theoretical zealots ardently devoted to a cause. They are not elected by the people and are not responsible to the people as are the Members of Congress who enact the laws creating their jobs and prescribing their duties.

They are immoderately partisan toward the objectives they strive to reach, and the end often obscures the means. They cannot approach a question concerning their power and authority with the fair and impartial point of view of the court.

We have had some renegade judges, but they have been few. Any normal man appointed to the bench leaves his prejudices and predilections behind him and dedicates himself to the high principles of the code of judicial ethics. If we cannot trust our courts to do justice between man and man, and between bureau and citizen, our structure of government is doomed to collapse.

I have discussed the bill before us in its broadest aspects only as they appeal to me. Business in the United States is

being strangled by Government interference and bureaucratic control and must be set free.

Let me conclude by quoting the words of a great American statesman, the late Senator Borah:

> Of all forms of government which have ever been permitted to torture the human family, the most burdensome, the most expensive, the most demoralizing, the most devastating to human happiness, and the most destructive of human values is a bureaucracy. It has destroyed every civilization upon which it has fastened its lecherous grip.

[Applause.]

Mr. GUYER of Kansas. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I want to highly commend the distinguished gentleman from Pennsylvania [Mr. WALTER] and his subcommittee for the fine solution they have worked out for a very difficult problem. I also want to thank him and the gentleman from Iowa [Mr. GWYNNE] for the scholarly and lucid explanation of this bill. It was an effort on the part of the subcommitee to restrain any arbitrary powers that might be assumed by administrative agencies and bureaus.

It was not conceived and worked out in a partisan spirit or by any partisan organization. It was an honest, sincere effort to meet the rising tide of bureaucratic domination which has been threatening to grasp arbitrary power which seems to inspire bureaus and commissions regardless of their political fatherhood.

Abraham Lincoln, who, just 75 years ago this morning, was lying in state in the East Room of the White House, with the halo of martyrdom crowning his brow, never uttered a truer word than when he declared that it was never safe to entrust to any one man or body of men arbitrary power, because it was almost an irresistible tendency of human nature to abuse such power.

One thing that has rather fatigued me in this debate and in similar discussions is the loose statement that all this centralization of government that threatens us is a product of what many persons have referred to as the Hamiltonian idea of a strong, highly centralized government. This unrestrained centralization of power manifested in a few administrative agencies is just the opposite of what Hamilton pictured in the Federalist, which still remains the finest commentary upon the Constitution.

He did favor a government of more energy and centralization in the Executive, and every time we get in a tight place in war and this once in peace we prove he was right by putting into the hands of the Executive power not authorized by the Constitution. We did that in the War between the States with President Lincoln, and in the World War with President Wilson, and each, when the crisis was past, gladly yielded back that power to the Congress that granted it. We hope President Roosevelt will do likewise if we ever see the depression ended.

Hamilton, as shown by his commentaries in the Federalist, favored an Executive with those needed powers granted in the Constitution, but always restrained by a nonpolitical and impartial Supreme Court—which we cannot boast of today—and a Congress unimpeded by any rubber accessories; a Court independent and incorruptible; a Congress representing a people jealous of the sacred rights of the individual. [Applause.]

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 15 minutes to the gentleman from Indiana [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, at the outset of what I have to say, I wish to compliment the gentleman from Pennsylvania [Mr. WALTER] on the splendid work he has done in presenting this praiseworthy legislation. [Applause.] I also wish to compliment my good friend the distinguished gentleman from Georgia [Mr. COX] on the splendid remarks he made yesterday when he was speaking on the rule. [Applause.]

Mr. Chairman, to me this legislation is sound legislation. This bill seeks merely to create uniformity in the governmental agencies. The major agencies in our Government are 130 in number, and this does not embrace the bureaus and boards which are within the various agencies. We must remember when we are dealing with this particular question that we are dealing with those rules and those regulations which have to do with a government of approximately 900,000 people who are employed in those separate and several independent agencies and bureaus. These rules and regulations apply to all of our people. These department heads have been vested with power to create rules and to promulgate regulations for the implementation of the laws, and these rules and regulations have been promulgated and established by the several and various departments and agencies. These rules and regulations have the force and effect of law.

May I say in that connection, Mr. Chairman, that in the creation and establishment of these rules and regulations they have not been consistent. There has been a vast difference in the rules and regulations between departments and agencies, and not alone has there been a vast difference between departments and agencies but there has been a difference within the same department and within the same agency in respect of those rules and regulations that have been adopted. These rules have differed insofar as to create confusion within such departments. Some of these rules and regulations have been so confusing and so different that the people generally have not been able to ascertain what they really are or what their true meaning is.

At this particular time I wish to call the attention of the Members to some of the flagrant violations respecting the establishment and promulgation of rules and regulations. Not long ago there came to my personal attention—and I do not doubt that many Members of the House have had similar and like experiences—the fact that in a hearing before a Federal agency the trial hearer was met with a question of admitting certain evidence at the hearing. Objection was made to the admissibility of the evidence. The objection was based on legal grounds and should have been sustained, because the evidence was inadmissible. However, the agent of that Department finally stated, knowing that the law was in exact opposition to the admission of the testimony offered, "I will legislate for this particular case," and he immediately permitted the evidence to come before him. In other words, he legislated in one breath, and in the next he permitted inadmissible evidence to come before the hearing and go into the record. This is just one instance. There are thousands of them.

You recall, as I recall, that quite recently the Federal Communications Commission was forced by a mass protest made all over the Nation to rescind a regulation adopted by it for the sale of time on the air for controversial questions. There was no legal remedy. The mass protest itself was the only remedy; the law was inadequate to reach that particular question. The mass protest caused the rescission of the order.

A few months ago the Wage and Hour Division of the Department of Labor proclaimed a very vicious regulation which would have had a very disastrous effect on small country-weekly newspapers. It would have meant that many of them would have been forced out of existence, had that regulation been imposed upon them.

Mr. THOMAS F. FORD. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I cannot; I have only a limited time.

Mr. THOMAS F. FORD. The gentleman has made a statement that is not correct.

Mr. SPRINGER. The gentleman from California may obtain time, if he desires. However, the people made a mass protest from ocean to ocean and from the Great Lakes to the Gulf, and the Members of Congress joined in that protest. By reason of it there was a rescission of that rule. There was no law respecting it, but the mass protest was the sole cause of the rescission of that rule and regulation.

In my own congressional district in Indiana there is now in progress an investigation over a grave error in the rules and regulations which were promulgated under the A. A. A. The farmer who was aggrieved was a subscriber. He was ordered by the local administrator of that authority to mow down 21 acres of his growing wheat before it ripened. The farmer

protested because, he said, "That is too large an acreage for destruction, taking it in consideration with the total acreage of my crop." But the local administrator said, "That is the rule," and the farmer had no choice. He could but obey. He destroyed his crop, but now he cannot get pay for it because the local supervisor erred in the percentage of the crop that was ordered destroyed. This was in my district. What was the result of it? There was a mild reprimand to the administrator who had erred, but that was all. The farmer's crop was lost, and he had no recourse. There was no law to protect him.

This bill will tend to aid in cases of that particular character because the rules and regulations will be coordinated. They will be classified and published and the people will know what the rules and regulations are in these many and various departments. That alone is a complete justification for the passage of this bill.

Mr. Chairman, it is evident even from the remarks of the gentlemen who have spoken in opposition to the passage of this bill that the need for an administrative law is unquestioned. They have spoken not so much against the establishment of a method of control over the quasi-judicial activities of the various agencies as they have pleaded for the postponement of legislative action to create an administrative law. The President, in appointing the Attorney General's committee to report on such proposed legislation, undoubtedly realized that the need existed; yet he claims unfamiliarity with the Walter-Logan bill, and declines to comment on it other than to express a guarded request that action on an administrative law act be postponed.

Why in the face of this recognized need and why with the Nation-wide approval given this bill by bar associations—local, State, and National, and other organizations interested in the preservation of "government by law"—should legislative action be postponed? It is high time that some action was taken, and delay can but add to the cumulative evidence favorable to an administrative law. Delay prolongs the opportunity for government by men to spread its heinous tentacles and strangle our liberties.

Delay and caution were words unheard when the legislative action was taken to create the majority of the agencies over which this bill proposes to place a checkrein. The various agencies excluded in this bill were created by legislation so carefully and thoughtfully directed that the statute established in itself a method of control over the possible aberrations of those charged with its administration. Indeed it is to be regretted that all such creative statutes could not have had embodied in them the same protective provisions. Had such care and judgment been exercised there would not have been created the need for an administrative law with which we are now faced.

No, Mr. Chairman; I cannot countenance the cry for postponement and delay in this matter. "Justice delayed is justice denied" applies here with much forcefulness. The Walter-Logan bill is a carefully prepared foundation stone upon which we can build to insure justice to the individual—justice as guaranteed to the individual under the concepts of our constitutional form of Government.

Any objection that the bill proposes to set up a system which will swamp the judicial and delay administrative action cannot be rightfully upheld. The psychological effect of an administrative law would restrain the hasty actions of any agency, or official of that agency, in making regulations, or issuing rulings, and thus curtail the number of controversial decisions.

May I say, Mr. Chairman, that the tendency of great power is to exact more power. These agencies have come to the point where they may be classed by all of us as a giant bureaucracy. We must stop this theory of government by men and retain the basic policy in this Nation of government by law. There has been too much abuse of uncontrolled discretionary power in men to regulate and control. Under the present plan, when the rule or regulation is oppressive, then the masses are called upon to protest; or when the action of the agency is such as to meet with the universal disapproval of the people, a popular protest will tend to nullify it; but where a single individual or a single concern has been made to suffer, there is no mass protest to serve him. He is unable to enlist a sufficient number of people in his cause who would contact the department in his behalf and thus aid in securing a nullification of the rule or regulation which has caused the injury complained of. He must bear his burden as the forgotten man without the right of review or appeal under the present plan. This bill gives to the individual and to the masses the right to be heard without discrimination. This bill may not be a cure-all, but it is a step in the right direction, I am confident. It will aid in curbing the power which has been assumed and which has developed a condition which, if permitted to continue without restraint in this country, will eventually mean the loss of our constitutional rights and our liberties in America. [Applause.]

Mr. GUYER of Kansas. Mr. Chairman, I yield such time as he may desire to use to the gentleman from Oregon [Mr. ANGELL].

Mr. ANGELL. Mr. Chairman, the bill under consideration, known as the Walter-Logan bill, in my judgment is meritorious. One of the indictments against our present governmental activities is that through the years we have allowed to grow up many agencies, bureaus, and subordinate subdivisions of these agencies and bureaus, which carry on much of our governmental work.

Under the Constitution we have a division of the activities of government into the legislative, executive, and judicial. Our forefathers who adopted the Constitution, after long and laborious debate, and, in many cases, compromise, provided for this division of our governmental powers, so that there might be checks and balances, one against the other, and thus safeguard the possibility of permitting autocratic government to take the place of that established under the Constitution. Throughout the years we have zealously safeguarded these three branches of our Federal structure and have guarded against any one of the separate departments encroaching upon the functions or prerogatives of the other.

However, these governmental agencies which have grown up in recent years until they now number over 130, often assume the functions of all 3 departments under the Constitution. They not only lay down the rules and regulations through the authority delegated to them by the Congress, which in effect become laws, but they construe and interpret these rules and regulations and in so doing exercise quasi-judicial functions. Thereafter, they enforce them, thus occupying at one and the same time the 3 separate departments of our Government. Under existing law there is practically no opportunity for a citizen aggrieved by this procedure to appeal to the courts.

The purpose of this bill is to provide against this autocratic exercise of power by bureaus set up by the Congress. It will, to some extent, restore to the Congress the functions of legislation given to it by the Constitution. It will also permit citizens to appeal to the courts in the cases provided by provisions of the act, and thereby restore to the judiciary the rights lodged in it by the Constitution.

Aside from these very worthy objectives, it will also tend to curb the present tendency to permit these bureaus to become autocratic and gradually change our form of government from a representative democracy to that of a totalitarian state. It will preserve in our laws the fundamental purpose underlying our whole system of maintaining a government by law rather than a government by men.

Mr. Chairman, as a part of my remarks under leave granted by the House, I include a very apt discussion of this legislation in the Washington Post of this date by Mr. Mark Sullivan; also an editorial appearing in the Post of the same issue.

[From the Washington Post of April 16, 1940]

THE STATE AGAINST MAN

(By Mark Sullivan)

THE WALTER-LOGAN BILL

The House this week is debating the Walter-Logan bill. To try to explain this measure is to encounter one of the most frequent bedevilments that beset every writer of news from Washington. The bill contains some 4,000 words—and this dispatch is limited to some 800. Even if there were space enough to print the bill in full, its

necessarily technical, legal phraseology would not be easily understood.

Yet the bill ought to be understood. It goes to the heart of what is troubling the country and the world—the conflict between the rights of man and the authority of government. It aims to protect the citizen against arbitrary power exercised by agents of government. It aims to save America from being brought under the type of government that has spread over Europe during the past 20 years. The purpose of the bill was stated by one of its original authors, recently deceased Democratic Senator Logan, of Kentucky:

"To stem and, if possible, to reverse the drift * * * which, if it should succeed in any substantial degree in this country, could but result in totalitarianism."

Let us be clear about just what the Walter-Logan bill attempts—and does not attempt. It does not attempt to limit the scope of government. It does not attempt to reduce the authority of agents of government. The Walter-Logan bill attempts only to provide this: That wherever an agency of government attempts to exercise power over a citizen, wherever it lays hands on the citizen's person or property—in every such case the citizen shall have an appeal to a court, a judicial body. That is the same as saying, and no more than saying, that every man shall be entitled to his day in court.

The bill has to do with departments of government, executive bureaus, such as triple A, the Labor Board, scores of others. These agencies are created by Congress. Congress, in creating an agency, gives it certain limited power to make regulations—because Congress cannot provide in advance for every situation that will arise. Congress can only confer the powers in broad terms and authorize the agency to make regulations. The regulations must—or ought to—be confined strictly within the limits of the power conferred by Congress.

But the Government agencies sometimes do not keep within the limits set by Congress. Sometimes they interpret their authority from Congress as authority to do whatever they deem desirable. When Congress wrote the census law it authorized only a limited scope of questions. But the Census Bureau wrote additional questions, and was indignant when anyone challenged those questions.

So Congress sets up the agencies. The agencies thereupon write regulations, thousands of regulations, which citizens are required to obey. And under the regulations, employees of the agencies issue orders, tens of thousands of orders, each requiring a citizen to do a certain thing or refrain from doing another thing. A farmer (in many situations) must plant what the agent of A. A. A. tells him to plant and only as many acres as the agent decrees. Again, just recently a corporation is ready to put television sets on the market, but F. C. C. forbids. There are hundreds of such orders every day. Often the orders are issued by minor employees of the agencies, distant from Washington. Often the orders and regulations are accompanied by penalties. The citizen must obey or run risk. A citizen must answer the questions asked by a census taker or be subject to fine or imprisonment, even though the legality of some questions, the very constitutionality of them, is seriously doubted.

Now, what the Walter-Logan Act provides is merely that every order, every regulation, issued by an executive agency shall be subject to appeal to a judicial body, a court. To put it the other way, if a citizen affected by an order or regulation wishes to appeal to a court, he shall have the right, and there shall be an appropriate court to which he can go.

It must be a true court, a truly judicial body. That is, the judicial body must be impartial, disinterested. It must be a court in which the Government official and the citizen stand exactly equal. This is elementary, but has come to be violated in practice.

Some Government agencies say, in effect, "We are a court ourselves." They say, "if the citizen feels an order or regulation does him injustice, we will give him a hearing." Such a hearing by the same body that issued the order is like saying to the citizen, "Before we compel you to do what we order we will let you talk if you want to." It is a case of the same body acting as both prosecutor and judge.

And that is contrary to the oldest and most fundamental conception of justice. As often put, no man may be a judge in his own case. And what the Walter-Logan bill proposes is that no Government agency shall be a judge in its own case. It proposes to set up a court outside the agency, an independent court, a court which has no more interest in the Government official than in the citizen.

The administration resists the Walter-Logan bill. After it had been endorsed by the Judiciary Committees of both House and Senate; after it had been actually passed by the Senate without a dissenting vote, the administration has held it up nearly a year. The reason? Senator Logan answered:

"The sole issue here presented to Congress is whether we shall have a government by men or a government by law. There are persons connected with the present administration who believe it ought to be a government by men, so they are rabidly opposed to this bill."

[From the Washington Post of April 16, 1940]

BUTTRESSING JUSTICE

The Walter-Logan bill, which is being debated in the House, has been properly singled out as one of the most important pieces of legislation pending before Congress. It would affect more than 100 Federal agencies and bureaus. More important, it would have a vital bearing upon the rights of citizens who come into controversy with those agencies.

The bill is not well understood by the public. This does not mean, however, that it has not been carefully prepared and widely discussed by lawyers and students of government. The House Judiciary Committee report approving the measure expresses doubt whether "there has been legislation proposed in a century which has had more extended and careful study than that given to this bill." It is the product of more than 3 years of work by a special committee of the American Bar Association and carries the endorsement of many organizations of both lawyers and laymen.

The simple purpose of the bill is to define more clearly the rights of the individual in dealing with the Government. Over a period of many decades Congress has created a varied assortment of agencies to enforce regulatory laws. In some instances it has defined the rights of citizens appearing before such authorities. But in many other instances the citizen has no clear-cut right to have his controversy with the Government properly adjudicated. The result, in the words of the House Judiciary Committee, is a "situation of indescribable confusion."

For example, there is no uniform requirement that all rules and regulations set up by governmental agencies be published. Citizens may be prosecuted for violation of rules they have never heard of and which they could not even find in print. The Walter-Logan bill would require publication of such regulations in the Federal Register before they go into effect.

Interested citizens would have an opportunity, moreover, to express their views as to what regulations would be proper and desirable. The bill would require all Federal administrative agencies to conduct public hearings before formulating their rules and regulations.

Ours is a government of laws and not of men. Yet in some instances citizens who have grievances against the Government cannot even demand a hearing. In other cases they find it impossible to appeal their grievances to the courts for proper adjudication. It can scarcely be said that we have "equal justice under law" when the right of appeal to the courts is thus withheld in one instance and granted in another.

The Walter-Logan bill does not attempt to transfer to the courts the functions of quasi-judicial regulatory bodies or other administrative officials. It is merely a means of requiring that these agencies themselves act only within the law. That is an eminently reasonable objective. In the language of the Judiciary Committee, "the law must provide that the governors shall be governed and the regulators shall be regulated, if our present form of government is to endure."

Some provisions of the bill may be found to be unwise. But the principle on which it rests is basically sound. If civil liberties are to be respected, no governmental agency can be permitted to raise itself above the law. As Federal regulation of human relationships becomes more and more extensive, some well-esablished means of buttressing this American concept of justice becomes imperative.

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut [Mr. MONKIEWICZ].

Mr. MONKIEWICZ. Mr. Chairman, it has been my pleasure as a member of the Judiciary Committee to take part in the deliberations when this bill came up for consideration. It has also been my pleasure to vote to report it out favorably. Since that time I have given this matter more study and thought; I have listened to the learned arguments of the very able men who discussed this problem when the rule was under consideration. I have also listened diligently to the arguments used in general debate and nothing has taken place that would change my mind about it.

There is nothing alarming about this bill; it is not a reform bill; it is not a revolutionary proposition; it does not propose to introduce or inject anything strange or foreign into our system of government. It proposes to correct a problem or a situation that exists in our Government at the present time.

This problem did not arise over night. It did not come upon us suddenly. This situation had its inception a great many years ago. It continued to exist and it grew until it has reached the great proportions of today.

There is no effort being made here to place the blame for this situation upon this administration or any previous administration. The fault lies with us, the legislative branch of the Government, for allowing this situation to exist and to grow. For a great many years men have given this problem a great deal of time and study so that the measure before us today is the result of work of a long time and not something put together in a hurry.

There are two main sources of objection to this bill. Strange to say, they both admit the existence of the problem and both agree that something should be done about it. They are both in accord with the proponents of this measure that the present system is wrong.

One of these sources offers a solution. It proposes a special court to deal with administrative problems and disputes. This matter of the special court has received the attention of

the leading lawyers of the country; most of the reputable bar associations of our country have given it thorough study and examination, and after long deliberation this solution was rejected by them. The matter of a special court has also been considered and studied by the Senate Judiciary Committee and that body, after hearings, rejected it. The House Judiciary Committee also had this court proposition under advisement, and after careful study found the solution to be impractical and impossible.

The other source of objection to this bill does not offer any solution although it admits the existence of the problem. This source merely suggests delay, explaining that in due time the various departments will work out their own problems and eventually set up their own rules.

Now, Mr. Chairman, that is just what this bill proposes to do. This measure, outside of a skeleton procedure for appeal, does not intend to impose upon the various departments a fixed set of rules. It merely directs the various agencies to set up their own rules and instructs them to publish these rules so that the public at large will know what they are.

Our difficulty in the last number of years has been that we have endeavored to foist upon American business methods foreign to the American interpretation of fair play and justice. Business is the American way of life. American business for years has enjoyed the highest position in the world. American business, when treated in the American way, will thrive; but just as soon as we begin to impose foreign methods upon it, it will become stinted. Autocratic methods and American business just will not mix. I predict that the enactment of this legislation into law will serve to free our business from the cramped position of recent years. American business wants rules. It wants to play the game according to prescribed rules. Let us give it a fair chance.

Mr. Chairman, I most sincerely hope that this bill will pass. Many of my colleagues taking part in this debate have stated that this is the most important measure under consideration during this session. I agree with them. It has the endorsement of almost every reputable bar association in the country. It has the approval of business and industry. During all the time that this matter was before the Judiciary Committee I received a great many letters, telegrams, and oral appeals in behalf of this measure and not one word of opposition to it. [Applause.]

[Here the gavel fell.]

Mr. WALTER. Mr. Chairman, I yield 15 minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Chairman, when I hear gentlemen arise, as did the gentleman from Kansas [Mr. GUYER] and invoke the name of Abraham Lincoln, I am inclined to paraphrase an expression by a great martyr of the past and say, "O Lincoln, what blunders have been committed in thy name."

Abraham Lincoln was warning then against a concentration of power into the hands of the courts, as this bill would do, which Thomas Jefferson said was the most dangerous thing that could ever happen to this Republic. I believe Jefferson said that if this Republic was ever destroyed, it would be destroyed by the courts.

The gentleman from Kansas goes on to say that Alexander Hamilton believed in the concentration of power, but he wanted to give it to the Chief Executive. Alexander Hamilton never went as far as this bill does to concentrate the powers of the Government into the hands of the courts.

The distinguished gentleman from Indiana [Mr. SPRINGER] spoke about some farmer in his district who has been imposed upon by his acreage allotments. Let me call the attention of the gentleman from Indiana to the fact that this bill is striking directly at the heart of the Rural Electrification Administration that has done more for his district than all the other governmental agencies combined have for the last 20 years.

Let me also remind the distinguished gentleman from Georgia [Mr. Cox], who on yesterday intimated that it was communism that was opposed to this bill, that communism and fascism are merely symptoms of the same disease, one of them is the fever and the other is the chill of the dying liberties of mankind. This bill is backed by the utilities fascisti, the most deadly enemy to economic democracy this country has ever seen.

What this bill would do if put into effect would be to increase the facilities of the utilities system to impose the most corrupt Government this Nation has ever seen.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. For a question.

Mr. WALTER. Will the gentleman point out some of the rights that some of these companies would have that they have not got now?

Mr. RANKIN. I certainly will. They would drag every agency that interferes with their nefarious conduct into court by spurious litigation and string it out from year to year. The gentleman's memory cannot be so short as to forget what they did or tried to do to the T. V. A. time after time. They dragged the Tennessee Valley Authority into court with spurious litigation and strung it out for years.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. For a question.

Mr. WALTER. Was it not possible to string out that litigation because of the present law?

Mr. RANKIN. Oh, yes; but this makes it possible to string it out again after all legitimate issues have been settled. Let me tell you what is behind it. In the first place, this law was first proposed by the American Bar Association, a super aggregation of corporation lawyers, who as a rule are dictated to by the railroad companies, the power companies, and other utilities.

Why did you leave out the Interstate Commerce Commission that is today an accessory to the thievery within the law or within their own regulations, that robs the people of the South and the West by discriminatory freight rates that no other country on earth would tolerate? Why did you exempt them?

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. Yes.

Mr. COX. What agencies would the gentleman put in and which ones would he take out?

Mr. RANKIN. Oh, we are not going to put in any, because this bill will never become a law, at least in its present form.

Mr. COX. There is no doubt in the gentleman's mind, is there, that this bill will pass this House by an overwhelming majority?

Mr. RANKIN. Certainly there is doubt about its passage in its present form.

Why did you leave out the Interstate Commerce Commission, that is passing regulations now and robbing the people of the South and the West through discriminatory freight rates, while you have put in the R. E. A., the greatest agency for the benefit of the farmers that this Government has ever seen?

Mr. WALTER. Mr. Chairman, will the gentleman yield so that I may answer that question?

Mr. RANKIN. No. I will give the gentleman plenty of time to answer it.

Mr. WALTER. I shall yield myself some time.

Mr. RANKIN. Oh, the gentleman from Georgia [Mr. Cox] yesterday, when speaking on this subject, evidently had not read a news article that came out of Washington and was published this morning in the New York Times.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. Yes.

Mr. COX. I confess that I never read it, but the gentleman himself admitted yesterday that he had never read the bill.

Mr. RANKIN. Oh, I looked over the bill carefully, and, as far as that is concerned, there is enough evil on page 15 to kill a dozen such bills. Mr. Chairman, right down in Georgia, the Georgia Power Co. is now in trouble. The utilities would kill the Security and Exchange Commission. Why? They want to go back to Wall Street, with their skulduggery. The Security and Exchange Commission is demanding that they come up and comply with the holding company law. Do you know what is in that holding company law? Listen to this.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. Let me finish my statement. Listen to this. I am reading from the holding company law:

It shall be unlawful for any registered holding company or any subsidiary company thereof by use of the mails or any means or instrumentality of interstate commerce, or otherwise, directly or indirectly, to make any contribution whatsoever in connection with the candidacy, nomination, election, or appointment of any person for or to any office or position in the Government of the United States, State, or any political subdivision of a State, or any agency, authority, or instrumentality or any one or more of the foregoing, or to make any contribution to or in support of any political party or any committee or agency thereof.

Down in Georgia today they are having another Georgia "cakewalk." The Georgia Power Co., owned by the Commonwealth & Southern, presided over by Mr. Wendell Willkie, who is trying to induce the Republican Party to nominate him for the Presidency, is now being called to account for violation of this law.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. For a question.

Mr. COX. Does the gentleman mention my name in connection with the Georgia Power Co.?

Mr. RANKIN. No.

Mr. COX. Or mean to intimate that I have the slightest interest in that company?

Mr. RANKIN. None whatever. I said the gentleman did not even know about this.

Mr. COX. I have been as violent in my attacks on that company as has the gentleman.

Mr. RANKIN. Oh, I cannot admit that. I do not believe that they would charge the gentleman with that. So far as this House is concerned they regard me as Power Trust enemy No. 1.

Mr. KEEFE. Mr. Chairman, will the gentleman yield for a question?

Mr. RANKIN. I yield for a question.

Mr. KEEFE. Will the gentleman indicate just how this bill will destroy the Securities and Exchange Commission?

Mr. RANKIN. Yes.

Mr. KEEFE. Or destroy the Rural Electrification Administration?

Mr. RANKIN. Yes, sir.

Mr. KEEFE. I would like to have the gentleman state it.

Mr. RANKIN. I will tell you exactly. By stringing out litigation. They would bring an injunction suit and try it over here a thousand miles from your city. Then when they got beat they would come back and take another hold. They would string this litigation out until they could browbeat the people as they are trying to do in Portland, Oreg., now into submitting to their domination.

Mr. KEEFE. Will the gentleman answer this question?

Mr. RANKIN. Yes.

Mr. KEEFE. Is there anything in the law today that prevents them from carrying on litigation in the courts and stringing it out?

Mr. RANKIN. Oh, yes. They do not have any right to go in and run the agency itself.

Mr. KEEFE. They do not have any right. Will they have any right to go in and run the agency under this bill?

Mr. RANKIN. Oh, yes. They will claim that right, and they will litigate for it until doomsday.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield for a question.

Mr. COX. Does not the gentleman think that an agency which can be run by some power company should have the attention of the Congress, as is attempted in the pending bill?

Mr. RANKIN. Oh, they should have the protection of the Congress, and they do have it. They have the protection of the Securities and Exchange Commission. Out here in St. Louis—this is what they are afraid of—listen to this:

Officials denied that there was anything personal in any intimations from some of Mr. Willkie's associates that the S. E. C. favored the North American Co. As a matter of fact, the North American Co. owns the Union Electric Co. of Missouri.

And today the Securities and Exchange Commission is bringing that corrupt outfit to justice and indicting the officials it has corrupted all over that country, Democrats and Republicans. [Applause.]

Oh, Mr. Chairman, this bill would paralyze the S. E. C. and permit to continue this gigantic octopus known as the Power Trust—these utilities holding companies that are today robbing the people of Georgia in overcharges for electric lights and power amounting to $11,000,000 a year; that are today robbing the American people from one end of the country to the other, including Indiana of $24,000,000, Wisconsin of $20,000,000; robbing the American people, the consumers of electric power and lights, of a billion dollars a year and denying to the average individual the use of those electrical appliances that go to make it possible for them to live in this modern electric age and enjoy the comforts and conveniences of modern life.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. For a question.

Mr. CELLER. This bill makes no distinction between trivial matters and important matters. Every trivial matter can be brought into court.

Mr. RANKIN. Yes; I have said that already. I pointed that out.

Mr. CELLER. And the S. E. C. would be tied up for months.

Mr. RANKIN. Yes. I pointed that out.

Now, why do they subject the Rural Electrification Administration to all this annoyance at the hands of a bunch that is carrying on through the holding companies, with six or eight billion dollars of water in their capital structures, robbing every man that turns an electric switch, except in a few isolated areas? Why turn the Rural Electrification Administration over to them, when they have been spending money by the millions to try to cripple it, building "spite" lines into communities, disturbing farmers, and trying to kill the greatest movement that has ever been set on foot for the benefit of the farming people of this Nation? Why, oh, why do they subject the Federal Power Commission to all these indignities and put them at the mercy of this gigantic octopus that sprawls over the Nation and winds its tentacles about every enterprise and every home that uses electricity, that it may strangle and destroy the Federal Power Commission that is today rendering the greatest service in its history, saving for the American people the water power of this Nation, the greatest natural resource in all the world outside of the soil from which we live? Why, oh, why do they want to turn them over to this bunch of corporation lawyers, some of whom are drawing fees that almost make the salary of the President of the United States look like a tip to the waiter?

No, Mr. Chairman, this bill is not in the interest of the American people—and I say that with all deference to my friend the gentleman from Pennsylvania [Mr. WALTER]. This bill will do infinitely more harm than good.

The gentleman from Oregon [Mr. ANGELL] said he might support this bill. But I am sure he will not support it in its present form. Right at his very door today the people of Portland, Oreg., are struggling with this octopus known as the Power Trust, this superutility, that is trying to impose upon them its will and fasten upon them a policy that will enable that outfit to suck the economic lifeblood from the people of that great northwest country and prevent them from enjoying the benefits they should derive from Bonneville and from Grand Coulee.

A few years ago I stood on the banks of that great stream. No man outside of the West has worked harder for Bonneville than I have. I stood on the banks of that magnificent Blue Danube of the West and I saw down the years to come a prosperous country, happy homes, thriving enterprises that this very outfit that is pushing this bill from the outside would now destroy and rob those people of the benefits of the great natural resources with which God has blessed them. [Applause.]

[Here the gavel fell.]

Mr. WALTER. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia [Mr. COX].

Mr. COX. Mr. Chairman, my friend the gentleman from Mississippi has made a great contribution to the setting up of regulatory measures which have operated upon the power trusts of this country, and for that I applaud him. But he misses the whole point of this bill.

It has been demonstrated on this floor that one of the primary purposes of the bill is to prevent the further intermingling of the powers of government; and I would like to say for the benefit of the gentleman from Mississippi that "the doctrine of separation of powers, of the executive, legislative, and judicial branches of the Federal Government is fundamental in the American theory of constitutional government. One branch is not to encroach upon the other except insofar as authorized by the Constitution. Essential functions of the legislative are not to be usurped by the Executive nor by the judiciary. Similarly, the legislative is not to interfere with the other coordinate departments of the Government except where the intermingling of spheres of action is authorized or contemplated by the Constitution." In reference to the Securities and Exchange Commission I would like to quote from a decision of the Supreme Court which was briefly referred to by the gentleman from Pennsylvania on yesterday. In reply to an attack made upon the courts of this country by the present dean of the Harvard law school, who at one time was a member of the Securities and Exchange Commission, I quote from this decision, as follows:

> The action of the Commission finds no support in right principle or in law.

Now, mind you, this is the Commission about which so many Members of this House have manifested great solicitude. Continuing, the Court said:

> It is wholly unreasonable and arbitrary. It violates the cardinal precept upon which the constitutional safeguards of personal liberty ultimately rest—that this shall be a Government of laws—because, to the precise extent that the mere will of an official or an official body is permitted to take the place of allowable official discretion or to supplant the standing law as a rule of human conduct, the Government ceases to be one of laws and becomes an autocracy. Against the threat of such a contingency the courts have always been vigilant, and, if they are to perform their constitutional duties in the future, must never cease to be viligant, to detect and turn aside the danger at its beginning.
>
> The admonition of Mr. Justice Bradley in *Boyd* v. *United States* (116 U. S. 616, 635) should never be forgotten: "It may be that it is the obnoxious thing in its mildest and least repulsive form; but illegitimate and unconstitutional practices get their first footing in that way, namely, by silent approaches and slight deviations from legal modes of procedure. * * * It is the duty of courts to be watchful for the constitutional rights of the citizen, and against any stealthy encroachments thereon. Their motto should be 'obsta principiis.'"
>
> Arbitrary power and the rule of the Constitution cannot both exist. They are antagonistic and incompatible forces; and one or the other must of necessity perish whenever they are brought into conflict. To borrow the words of Mr. Justice Day: "There is no place in our constitutional system for the exercise of arbitrary power." *Garfield* v. *Goldsby* (211 U. S. 249, 262). To escape assumptions of such power on the part of the three primary departments of the Government is not enough. Our institutions must be kept free from the appropriation of unauthorized power by lesser agencies as well. And if the various administrative bureaus and commissions, necessarily called and being called into existence by the increasing complexities of our modern business and political affairs, are permitted gradually to extend their powers by encroachments—even petty encroachments—upon the fundamental rights, privileges, and immunities of the people, we shall, in the end, while avoiding the fatal consequences of a supreme autocracy, become submerged by a multitude of minor invasions of personal rights, less destructive but no less violative of constitutional guaranties. *Jones* v. *Securities and Exchange Commission* (298 U. S. 1, 33; 80 L. ed. 1025.)

[Applause.]

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield such time as he may desire to the gentleman from Ohio [Mr. ELSTON].

Mr. ELSTON. Mr. Chairman, the passage of the Logan-Walter bill is of unusual importance. The men who wrote the Constitution believed that the freedom which had been won upon the battlefields of the Revolutionary War could best be preserved by keeping separate the legislative, executive, and judicial powers of the Government. It was their considered judgment that a system of checks and balances was the method best designed to keep government in the hands of the people and to prevent any abuse of power.

In keeping with this policy Congress, for more than a century and a quarter, refrained almost entirely from any attempt to delegate its lawmaking authority. It was not until 1887 that the first permanent Government bureau was created—the Interstate Commerce Commission. Between the years 1789 and 1932 but 13 major commissions and regulatory bodies were created. Between 1933 and 1938, however, 50 have been added. Within these bureaus other agencies have developed and additional minor departments created, to say nothing of the many Government corporations that have come into being, until today we face the startling fact that approximately 130 Federal agencies have the authority to make, administer, and enforce rules and regulations which have the binding force of law. We have witnessed the spectacle of Government bureaus, none of the members of which have been elected by the people, making a law and then acting as its own judge, jury, and executioner in the enforcement of it. Such autocratic power was never intended to be conferred by those who drafted the Constitution.

President Roosevelt sensed the danger of government through irresponsible bureaucracies when, in his annual message to Congress on January 3, 1936, he said:

> * * * In 34 months we have built up new instruments of public power. In the hands of a people's government this power is wholesome and proper. But in the hands of political puppets of an economic autocracy such power will provide shackles for the liberties of the people. Give them their way and they will take the course of every autocracy of the past—power for themselves, enslavement for the public.

The businessman, both large and small, the workman in the factory, even the housewife, have felt in varying degrees the lash of bureaucratic government and a tightening of the shackles upon their liberties. Even the States and their political subdivisions are not exempt.

The extent to which an entire State may be affected was disclosed by the action of the Chairman of the Social Security Board in refusing to pay to the State of Ohio the sum of $1,338,160.92 lawfully due the old-age pension fund of the State. A more disgraceful abuse of power has probably never been witnessed. Merely because ex-Governor Davey of Ohio engaged in a petty political quarrel with the administration in Washington a power-drunk bureaucrat imposed the equivalent of a fine of $1,338,160.92 upon the State of Ohio and its more than 6,000,000 people.

Those who live in Ohio are not the only ones who have felt the tyranny of government through bureaucracy. A few weeks ago the Federal Communications Commission issued an order which postponed the starting date of television programs because that Commission had decided that television needed more research and because the rapid strides in television will make the sets of today obsolete in a year or two. It has been our privilege to watch the development of the automobile and the radio. Does anyone believe that the automobile industry would be where it is today if Henry Ford, for example, had been told that he could not market his first model on the ground that it might be obsolete in a year or two? Does anyone believe that the radio would have reached its high state of perfection had the public been barred from purchasing instruments during the experimental stages of its development? While the Federal Communications Commission is exempt from the provisions of the Logan-Walter bill, the action of the Commission in this instance is a striking illustration of the far-reaching effect of bureaucratic power.

Before the policy of government by bureaucracy came into being this was strictly a government of laws. It was not difficult for any person to familiarize himself with the law. A lawyer had no trouble in advising his clients as to the law. Today we are lost in a maze of rules, regulations, orders, and edicts which emanate from Washington in an ever-increasing volume. The rule of today may be changed by the regulation of tomorrow, and it requires nothing more than the whim or caprice of a department head to do it. No attorney can

safely advise his clients today as to their rights, as no compilation exists of the great mass of rules and orders which have been made for the regulation of their lives and property. The Government, in order to bring some order out of chaos, is now undertaking the codification of all bureau-made laws. Before the job is completed it is estimated that those already in effect will fill 23 volumes of 1,200 pages each, but as they are all subject to repeal or change overnight, the code will be of but little value. Truly we are fast becoming a government of men through a fourth branch of government, against which the constitutional system of checks and balances does not operate. Orders, rules, and regulations harass us all. The filling out of forms has become a part of our daily life. In many cases, particularly so far as the small business is concerned, additional help has been necessary solely to supply the data requested by Government agencies.

On the subject of legislation and government by men let me again quote Mr. Roosevelt, who observed:

> The doctrine of regulation and legislation by "master minds," in whose judgment and will all the people may gladly and quietly acquiesce, has been too glaringly apparent at Washington during these last 10 years. Were it possible to find "master minds" so unselfish, so willing to decide unhesitatingly against their own personal interests or private prejudices, men almost Godlike in their ability to hold the scales of justice with an even hand, such a government might be to the interest of the country, but there are none such on our political horizon, and we cannot expect a complete reversal of all the teachings of history.

This utterance was not made by Mr. Roosevelt while he was President; it was made on March 2, 1930, when he was Governor of New York.

No one will deny that certain administrative agencies are essential to the proper administration of government, nor will it be denied that some rules and regulations, within reasonable bounds, are necessary. The Logan-Walter bill will not affect these, but it will do much to free the American people from the tyranny of departmental government. For a number of years Congress has been delegating to the executive department and to Government departments more authority than was ever intended under our form of government. Much of this authority must be recaptured by Congress if we are to continue as a government of laws. Until that can be done the Logan-Walter bill will be a means toward curbing excessive abuse of power on the part of those to whom such authority has been delegated.

The Logan-Walter bill represents years of study by the American Bar Association and by Congress. It seeks to more clearly define the rights of the individual in his dealings with the Government. It provides for uniform procedure in Government departments, and, if citizens desire it, public hearings may be had before rules and regulations become effective. If this bill should pass, citizens may no longer need to fear that they will be prosecuted for rules they never heard of and which they could not find in any publication. While it cannot be expected to correct all of the abuses of power so prevalent under our present departmental system of government, it will go a long way toward protecting personal and property rights. Through the creation of bureau upon bureau, Washington has become a wilderness of alphabetical agencies, representing a type of government quite popular in some parts of Europe, but not in keeping with American ideals. The Logan-Walter bill will at least apply American principles to the system. [Applause.]

(Mr. ELSTON asked and was given permission to revise and extend his remarks.)

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. VORYS].

Mr. VORYS of Ohio. Mr. Chairman, it is only human nature that the bureaucrats should object to this bill. I was talking to one of them recently and asked him how he could justify the fact that the law provided no effective review for the decisions of his agency. He said: "It is not necessary in our case, for our decisions are always fair." That is what he thinks, of course; that is what they all think. They would not decide the way they do unless they thought they were deciding wisely. On the other hand it is just as fundamental in human nature for a citizen to feel that a decision against him is unfair unless he has at least a chance to have it reviewed and have its fairness considered by someone other than the person who made the decision.

The very fact that the bureaucrats claim that this natural, reasonable, and human requirement will paralyze their work shows their inability to understand the functioning of freedom and the ways of free men. If the bureaucrats were all-wise, they would have no fear, for they would be upheld so uniformly that appeals would be discouraged; for we must remember that even under this law appeals will cost time and money. On the other hand, if the bureaucrats are so all-wrong that appeals will paralyze their work, then it is in the public interest that their work should be paralyzed. But they say, and we have heard it expressed here today, that their regulations will be tied up not because they are unwise or unjust but merely for delay and for embarrassment, merely because of the sheer cussedness of the people they deal with. I submit to this House that this reveals the wholesale contempt of many bureaucrats for the good sense and good faith of their victims and is one good reason for this legislation.

We have heard surmises as to the attitude of the President toward this legislation. I do not think we have any hope of securing his approval. An Executive who would destroy the independence of a body which had functioned as satisfactorily as the Civil Aeronautics Authority, who would destroy entirely the independent Air Safety Board, and would, without warning, throw our air commerce back under Executive domination, as the President has done in his third and fourth reorganization plans, can be expected to be the foe of the Logan-Walter plan for the independent review of administrative laws and orders.

The bill exempts "any matter * * * relating to the internal revenue." This must be because it is presumed that the Board of Tax Appeals provides independent review of internal-revenue matters. It could not be because no independent review is needed in tax matters, for certainly there is no function of Government where the citizen needs protection against unfair regulations or orders as much as in tax matters, where his property may be taken away from him unjustly.

It is very hollow comfort to say that he must pay, regardless of the justice of the tax-gatherer's demands, and then bring suit and if successful, hope that some day Congress will reimburse him. The Board of Tax Appeals, however, has jurisdiction over only gifts, inheritance, and income taxes, and the rest of the broad field of Federal taxes are collected without any chance for independent review.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. VORYS of Ohio. I yield.

Mr. CELLER. Why are matters affecting the Internal Revenue Department taken out of the bill, but matters affecting the Coast Guard, which sometimes refers to national defense, are included?

Mr. VORYS of Ohio. There is one class of exemptions that I think clearly depend on the fact that independent review is provided. My suspicion is that some of the exemptions were put in here merely to gain votes for the bill and I am opposed to a number of the exemptions.

Mr. CELLER. Why have any exemptions then?

Mr. VORYS of Ohio. I have no time to yield further for this line of inquiry. Mr. Chairman, I want to give you an example of what happens under the social security situation.

In Ohio a taxpayer has had the collection of his Ohio share of the unemployment compensation tax, in the amount of approximately $12,000, enjoined by the Ohio courts as being contrary to law, but although the Ohio law has been approved by the Social Security Board as in conformity with the Federal law, on the same set of facts the collector of internal revenue has required this taxpayer to pay his Federal tax, and from this decision there is no appeal which will stop payment.

We have seen in the past year a refusal of the Social Security Board to make payments to the State of Ohio under circumstances which this House thought were contrary to law,

but the State of Ohio was helpless to recover the tax or to have its case effectively reviewed in court.

This bill would correct this evil, and a small amendment, which I shall propose tomorrow, would give the taxpayer under social security and other taxes the chance to have his case receive an independent review.

The bureaucratic objection to such review is that the Government needs the money so badly and so promptly that there is not time to determine before payment whether payment is being properly required.

I would answer that I hope my Government has not reached a state where it must rely upon unjust taxes in order to exist.

The Logan-Walter bill is, in my opinion, the most significant measure we have considered at this session. If it passes and is wisely and efficiently administered, there is hope for preserving the democratic process in a complex world. If it fails, if as its enemies say, there is no longer any place for this principle in our Government, then the hope for the preservation of democracy is gone.

[Here the gavel fell.]

Mr. WALTER. Mr. Chairman, I yield 3 minutes to the gentleman from New Mexico [Mr. DEMPSEY].

Mr. DEMPSEY. Mr. Chairman, almost a month ago the Senate passed and sent to this House S. 3046, which amends the original Hatch Act and extends the provisions of that law to employees of States and other political subdivisions, who are paid in full or in part from the funds of the Federal Government. Since that time the House Committee on the Judiciary has had this bill under consideration.

I have no way of knowing what the intentions of the Committee on the Judiciary may be in regard to this measure, but it is my feeling that there can be no valid reason why there should be longer delay by the committee in reporting it out for consideration by the membership of this body. That feeling, I have been assured, is shared by the majority of the Members of the House.

I recognize fully the fact that some Members still fail to realize that the people whom they represent are, almost without exception, favorable to this legislation and are demanding its enactment into law. I recognize equally the further fact that a few politicians of the boss type are strenuously opposing the bill because they see in it the death knell of their cherished loot or spoils patronage system which has enabled them to perpetuate their political control. I realize they are doing everything in their power, exerting all the pressure they can, to kill this legislation.

Certainly no one who believes in clean politics, efficiency, and honesty in government, can have any objection to the Hatch Act and the proposed amendments. Happily the vast majority of the people of this Nation do believe in clean politics, honesty, and efficiency and do favor the Hatch Act. It is the manifest duty of the representatives of those people to accept their mandate and support the legislation they want regardless of pressure by political bosses.

The time has arrived to strip all the camouflage from consideration of this bill, to brush aside the smoke screen of petty political ambitions, and determine whether we are to have honesty and efficiency in government or not.

Public approval of this legislation has been echoed by virtually the entire press, the radio commentators, and other media of public expression. It is difficult for me, in view of that, to condone the attitude of those who seek to scuttle this bill.

Let those who oppose this legislation have full opportunity to speak out and state candidly, if they will, their reasons for opposition.

The proponents of the bill, confident that the majority of the Members of this House will be governed only by the wishes and welfare of those whom they represent, are not fearful of the outcome. We do, however, enter a most vehement protest against the use of dilatory and obstructionist tactics to prevent S. 3046 from being given full consideration by the membership of this House. [Applause.]

Mr. WALTER. Mr. Chairman, I yield myself a half minute.

Mr. Chairman, I did not know that the gentleman from New Mexico [Mr. DEMPSEY] was going to talk about something other than the bill under consideration. I feel, however, that an explanation is necessary because of what he said.

Mr. DEMPSEY. Will the gentleman yield?

Mr. WALTER. I will not yield.

Mr. DEMPSEY. The gentleman is not stating the facts.

Mr. WALTER. The bill that the gentleman has mentioned was referred to a subcommittee last month. The subcommittee held two or three hearings on the bill, and the full committee has been considering this very important legislation twice a week at the regular meetings for 3 weeks. There is a very serious question involved, and certainly the statement that our committee is not acting as promptly and expeditiously as it possibly can is not entirely correct.

Mr. DEMPSEY. Will the gentleman yield?

(Here the gavel fell.)

Mr. GUYER of Kansas. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. Mr. Chairman, I do not share the faith of my friend the gentleman from Mississippi [Mr. RANKIN] in the infallibility of commissions and bureaus; neither do I have, as he has, more faith in the bureaucrats of the Nation than I have in the courts. I would rather my rights be passed upon by the courts than by the bureaucrats.

Mr. DEMPSEY. Will the gentleman yield for a second?

Mr. ROBSION of Kentucky. I do not want to get into this Hatch bill matter here.

Mr. DEMPSEY. I am not going to take the gentleman into it.

Mr. ROBSION of Kentucky. Well, the gentleman will take me into it. I may say to him that I am very strong for the Hatch bill. I think the committee should report it out promptly for the consideration of the House, and I certainly want our committee to act now.

Mr. DEMPSEY. That is not what I was going to speak on.

Mr. ROBSION of Kentucky. Mr. Chairman, the gentleman from Mississippi is worried about dilatory suits and delays. On page 14 there is this salutary provision in the bill:

> The courts shall have jurisdiction and power to impose damages in any case where the decision of the agency or independent agency is affirmed and the court finds that there was no substantial basis for the petition for review.

Yes; anybody who brings one of these dilatory suits may be punished by the assessment of damages and costs. Now, this measure comes not as a passing thought of someone. This measure grows out of several years of careful and painstaking investigation by many able men. It was sponsored in the Senate by the late distinguished Democratic Senator from Kentucky, Mr. Logan, who for many years was attorney general for the State of Kentucky and for many years sat on its highest court and was chief justice of that court. I am sure that no Kentuckian was ever more concerned about the rights of the people and the orderly carrying out of the acts of Congress than Senator Logan himself.

The sponsor of the bill in the House is our own able and distinguished Democratic colleague from Pennsylvania; so this is not a case of a Republican minority fighting any of the agencies of the Government. This bill is sponsored by able and distinguished Democrats. It received almost unanimous approval of our Judiciary Committee.

I was very much impressed with an editorial appearing in the Washington Daily News on April 11, 1940. We have built up, perhaps, 137 bureaus, commissions, and other agencies of this Government and they have hundreds of thousands of officials and employees. In the last 7 years we have added bureau upon bureau and commission upon commission, and we have added about 400,000 Federal officeholders.

This very able editorial reads, in part:

> The agencies make rules, which in effect are laws. They interpret and enforce their own rules. And they sit in judgment on those accused of violating the rules. In them, then, are combined the

three powers—legislative, executive, and judicial—which the Constitution undertook to keep separate in order that Americans might be free from the tyranny of government.

So it is that the records of many of these agencies are filled with examples of abuse of bureaucratic power.

Congress has conferred upon these bureaus and commissions extraordinary powers. It has given to them legislative, judicial, and executive power. We have conferred no such power upon any other group or agency in this Government.

There is another very illuminating statement in this editorial:

The purpose of the bill is to curb a fatal tendency as old as the history of governments—the tendency of bureaucracy to abuse the power it has and to grasp ceaselessly for more. Specifically, the proposal is to check and balance the lawmaking, the law-interpreting, and the law-enforcing activities of Federal administrative agencies.

I believe one of the ablest speeches I ever heard on this question was made before some town meeting in Massachusetts a few years ago. It was not a political meeting or political speech. That speaker said that the thing that all of us had to fear all the time was power—not merely power in the hands of Republicans or Democrats, but political power in any man's hands—because, as this editorial points out, the tendency is to abuse power and to seek ceaselessly more power. They often justify themselves by urging the desirable purposes and ends they seek to serve.

In this bill, what do we seek to do? To give American citizens who feel themselves aggrieved by some rule or decision of a commission, bureau, or board the right to go into the United States Circuit Court of Appeals and have the facts and the law passed upon by an unbiased court. No one ever heard of courts destroying any country. They have neither the purse nor the sword. Nations are destroyed and the liberties of people are taken by executives with the sword in one hand and the purse in the other hand. The courts hold neither the purse nor the sword. They have no power except the influence of righteous and just decisions in protecting the rights of the people. [Applause.]

Speaking further about this bill, the editorial continues:

It is designed to expedite administrative processes, to reduce their cost, and to insure that ours shall continue to be a government by law, with the part men must take in it increased in real effectiveness but safeguarded against abuse.

Thus we will protect the liberties of the American people. If we cannot entrust our liberties to the courts, with only one function to perform—judicial—how can we trust them to these bureaucrats, in whom have been vested legislative powers, judicial powers, and executive powers to pass on acts of Congress, and at the same time to make their own rules, regulations, and orders having the effect of laws, and then pass upon their own rules, regulations, and orders, and then execute them? If you are going to put the halter on anybody, on whom will you put it—the group that has the three great powers or the group, the courts, that are able, free from politics, and free from bias? The courts do not make or execute the laws. They merely interpret them. If you cannot trust the courts, the judicial branch of our Government, where can you safely rest the liberties and the rights of the American people? [Applause.]

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Chairman, the issue which the Walter-Logan bill presents is whether the Congress is to be placed in a position of abject and servile subjection to numerous governmental boards, commissions, and agencies, or whether the Congress will resume its functions as a legislative body.

I firmly believe that the present usurpation of power by the bureaucratic agencies, if not restrained, will of necessity result in a species of despotism, which will become so firmly entrenched that it will be difficult to dislodge.

There is ample evidence that in many instances these instrumentalities have not hesitated to trample on the most sacred rights of citizens. It is surely known to every Member of Congress the extent to which businessmen have become the victims of political appointees, who, clothed with delegated power, have assumed to rule because of their self-admitted superior excellence and superlative genius.

The vigor with which this bill is opposed by the Government bureaucracy, now entrenched here, is in and of itself a threat to free government. It is obvious that the increasing power of a growing administrative organization is always accompanied by a decreasing power on the part of the rest of society to resist its further growth and control.

Are we not fully aware that throughout the world today liberties are being destroyed by those who are displacing government by law and substituting government by men? I believe that free men and women in this country are looking to the Congress to remove every vestige of this totalitarian technique from our system of government. [Applause.]

Mr. WALTER. Mr. Chairman, I yield to the gentleman from California [Mr. THOMAS F. FORD] such time as he may desire.

Mr. THOMAS F. FORD. Mr. Chairman, if I understand this bill it proposes that general rules and regulations be based on hearings, in advance of their promulgation.

That would certainly be a very undemocratic—aye—unjust proceeding. It would in the end mean—and I believe that is the end sought by the outside interests that are supporting this bill—that the great and powerful groups, who are interested only in their own particular and limited interests, could employ batteries of high-priced lawyers who, by interposing unlimited objections, could thus block all restraint while the rank and file, in whose interest the rule was designed to operate, would be barred from being heard. As a matter of fact section 2 (c) of this bill, according to a study made by the Brookings Institution, "seems not only to permit, but almost to invite, tactics which would in effect prevent the administration of any law opposed by a well-financed pressure group."

It may be remarked here that the fear of administrative absolutism is the motivating force behind this bill. At least that is the straw man set up by those who wish to conduct their business without any sort of regard for the general welfare.

In commenting on the doctrine of judicial formula, the Brookings Institution has this to say at the conclusion of its study:

The desire to extend a judicial form of procedure, with judicial review, to legislative and discretionary action on the part of the administrative authorities, is based upon a trust in the judicial formula, combined with a distrust of administrative experience, both of which are carried so far as to cause forgetfulness of the constitutional separation of powers. Not the administration alone, but the courts as well, interpret the Constitution as meaning that there is a sphere of administrative action over which the constitutional courts have no control except as to the question of regularity. To call this sphere "absolutism" is to forget that the separation of powers is designed explicitly to prevent one branch of government from becoming absolute and usurping the functions of the others. No progress would be made by seeking to substitute a real and all-pervading judicial absolutism for the imaginary administrative absolutism, which is charged but not proved by supporters of the judicial formula.

Finally, the doctrine of the judicial formula is wrong in its fundamental objectives. Even if its doubtfully constitutional features and its most rash departures from the established system of constitutional and administrative law were eliminated, its animating purpose, the desire to subject every possible disagreement between the individual and the administration to complete control by the courts, is opposed to the inevitable, necessary, and useful evolution of administrative procedures and administrative and judicial controls that have been a notable feature of Federal Government during more than half a century. The theory is based on the moribund conception that law cannot prevail or justice be done except through the courts. It fails to accord to administrative authorities and procedures the degree of power and of finality which the courts themselves, applying the laws under the Constitution of the United States, have recognized as belonging to those authorities and procedures. Because it looks backward and tries to revive the very system of judicial regulation of business and industry which proved so impossible as to lead to the establishment of administrative regulatory bodies, it should be discarded. Because it destroys and does not construct, because it offers no real protection to the citizen but does menace effective administration; because it rests upon dead theory instead of evolving reality, the doctrine of the judicial formula should be rejected.

The National Labor Relations Act itself provides for judicial review by the circuit courts of appeals of every final order made by the Board. See section 10 (e) and section 10 (f).

Until the order is approved by the court it is unenforceable and carries no fines or penalties. The Supreme Court of the United States has several times reviewed the provisions of the statute and has pointed this out. For example, in the well-known case of *National Labor Relations Board* v. *Jones & Laughlin Steel Corporation* (301 U. S. 1), the Supreme Court, speaking through Chief Justice Hughes, said:

> The act establishes standards to which the Board must conform. There must be complaint, notice, and hearing. The Board must receive evidence and make findings. The findings as to the facts are to be conclusive, but only if supported by evidence. The order of the Board is subject to review by the designated court, and only when sustained by the court may the order be enforced. Upon that review all questions of the jurisdiction of the Board and the regularity of its proceedings, all questions of constitutional right or statutory authority are open to examination by the court. We construe the procedural provisions as affording adequate opportunity to secure judicial protection against arbitrary action in accordance with the well-settled rules applicable to administrative agencies set up by Congress to aid in the enforcement of valid legislation. It is not necessary to repeat these rules which have frequently been declared. None of them appears to have been transgressed in the instant case. Respondent was notified and heard. It had opportunity to meet the charge of unfair labor practices upon the merits, and by withdrawing from the hearing it declined to avail itself of that opportunity. The facts found by the Board support its order and the evidence supports the findings. Respondent has no just ground for complaint on this score.

These provisions of the statute have been constantly availed of to obtain judicial review of Board orders. There have been more than 100 cases of this one character in the circuit courts of appeals and the Supreme Court of the United States. Attached hereto is a list of the cases in which Board orders have been reviewed by the Supreme Court. In only 2 of these cases—Sands Manufacturing and Columbian Enameling & Stamping Co.—was a Board order entirely set aside. In 2 the orders were modified—Fansteel and Consolidated Edison Co. In the other 15 cases the Board order was enforced in toto. In addition to these Supreme Court cases there have been about 100 final cases in the circuit courts of appeals.

Although the findings of the Board as to the facts if supported by evidence are conclusive upon the court, the Supreme Court has construed this several times to mean that there must be substantial support in the evidence for the Board's findings. This is the same rule which applies to all administrative agencies, including the Federal Trade Commission and the Interstate Commerce Commission. The procedure of the National Labor Relations Act was modeled upon the Federal Trade Commission Act. There is no more reason to exempt the Federal Trade Commission than the National Labor Relations Board. Indeed, the records before the Smith committee investigating the National Labor Relations Board show that its litigation record in the Supreme Court is far superior to that of either the Federal Trade Commission or the Interstate Commerce Commission. If this is true, there seems to be no reason why the Federal Trade Commission or the Interstate Commerce Commission should be exempted when their procedure and orders have not stood up as well as those of the National Labor Relations Board.

N. L. R. B. v. *Jones & Laughlin Steel Corporation* (301 U. S. 1).
N. L. R. B. v. *Fruehauf Trailer Co.* (301 U. S. 49).
N. L. R. B. v. *Friedman-Harry Marks Clothing Co.* (301 U. S. 58 (2 cases)).
Associated Press v. *N. L. R. B.* (301 U. S. 103).
Washington, V. & M. Coach Co. v. *N. L. R. B.* (301 U. S. 142).
N. L. R. B. v. *Pennsylvania Greyhound Lines, Inc.* (303 U. S. 261).
N. L. R. B. v. *Pacific Greyhound Lines* (303 U. S. 272).
Santa Cruz Fruit Packing Co. v. *N. L. R. B.* (303 U. S. 453).
N. L. R. B. v. *Mackay Radio & Telegraph Co.* (304 U. S. 333).
N. L. R. B. v. *Fainblatt et al.* (306 U. S. 601).
N. L. R. B. v. *Newport News Shipbuilding & Drydock Co.*, December 4, 1939.
N. L. R. B. v. *the Falk Corporation*, January 2, 1940.
N. L. R. B. v. *the Waterman Steamship Corporation*, February 12, 1940; rehearing denied March 11, 1940.
Consolidated Edison Co., of New York, v. *N. L. R. B.* (305 U. S. 197).
International Brotherhood of Electrical Workers v. *N. L. R. B.* (305 U. S. 197).
N. L. R. B. v. *Fansteel Metallurgical Corporation* (306 U. S. 240).
National Licorice Co. v. *N. L. R. B.*, March 4, 1940.
American Mfg. Co. v. *N. L. R. B.*, March 11, 1940.
N. L. R. B. v. *Sands Mfg. Co* (306 U. S. 332).
N. L. R. B. v. *Columbian Enameling & Stamping Co.* (306 U. S. 292).

Mr. GUYER of Kansas. Mr. Chairman, I yield to the gentleman from Michigan [Mr. BLACKNEY] such time as he may desire.

Mr. BLACKNEY. Mr. Chairman, I desire to express my approval of H. R. 6324, a bill to provide for the more expeditious settlement of disputes with the United States, and for other purposes.

The tremendous growth of Federal bureaus and agencies with the attendant power given them has resulted in a peculiar situation in the Federal Government. Under our Constitution there are three specific and distinct departments of government, the legislative, executive, and judicial, but this separation of power does not hold true with reference to many Federal bureaus and agencies. Usually they are given the power to make such necessary rules and regulations as they deem advisable in the enforcement of the particular law. This is an executive power. Then this same bureau or agency makes application of these various powers, which is executive power. Finally, if dispute arises over these rules or regulations, the same agency or department that made the rules and executed the rules now becomes the court that decides those rules. Thus we see that these agencies have legislative, executive, and judicial power. This is not in keeping with the theory of American government as exemplified by the Constitution. Therefore, demands have been made upon Congress to protect the public from arbitrary and extralegal rules of these Federal bureaus and agencies by means of the Walter-Logan "bill of rights."

Many prominent societies, institutions, and citizens favor the passage of this bill: The American Coalition, representing more than 100 patriotic societies with membership of 1,500,000 have enlisted in the fight for this measure; the National Grange, with 800,000 farmers; the American Federation of Labor, with its 4,000,000 union members; the American Federation of Investors; the American Bar Association; the National Association of Women Lawyers; and the bar organizations of the leading States have all expressed approval of this measure.

This bill has been approved unanimously in Congress by the Judiciary Committee of both the House and Senate. The Rules Committee, with one dissenter, voted to give it a right-of-way over other legislation in the House.

Opposition to this bill arises from the Federal departments and agencies whose authority would be curtailed and also from the National Lawyers' Guild, which had an internal row last summer over the stand it should take on communism.

The American Bar Association declares that the Walter-Logan measure is a necessary supplement to the Bill of Rights in the Constitution.

The present provision of the bill which gives new rights to the people and imposes certain restrictions on Federal bureaus are:

First. Any person who believes he has been treated unfairly or unjustly by the decision of any officer or employee of a Federal department, board, or commission may appeal this case to the United States circuit court in the district where he lives or does business. The bureaus themselves now are final arbiters of most controversies that result from their decisions.

Second. The decision of Federal agencies will be set aside by the courts for any one of six reasons:

(a) If the facts on which it is based are clearly erroneous.

(b) If the findings of the agencies are not supported by substantial evidence.

(c) If the decision is not supported by proven facts.

(d) If a full and fair hearing was not provided.

(e) If the decision goes beyond the lawful authority of the agency.

(f) If it infringes upon other Federal laws or the Constitution.

Third. Within a year after a law is passed, all necessary rules and regulations must be issued by the agency charged with enforcing it. The United States circuit courts will review any rule if the persons who are affected believe it goes further than the law or the Constitution permits. At present

there is no provision for controlling these rule-making powers of Federal bureaus.

The decisions made by quasi-judicial administrations—often actuated by partisan feelings—need to be checked and balanced by wholly judicial officials in much the same way as the decisions of trial judges are checked and balanced by courts of appeal.

The agencies which would be check-reined by the Logan-Walter bill are: The National Labor Relations Board, the Securities and Exchange Commission, the revamped Agricultural Adjustment Administration, and the Department of Agriculture, the Wage and Hour Division, and other branches of the Department of Labor, the Bituminous Coal Commission and the Department of the Interior, the Social Securities Board, the Federal Communications Commission, and the Federal Alcohol Administration.

With the tremendous growth of bureaucracies in the United States it is high time that restrictions be placed upon the powers and prerogatives of the various boards and agencies thus created.

We must still preserve the American system which provides for legislative, executive, and judicial departments of Government.

In the interest of America and in the interest of American people I hope that this bill passes. [Applause.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. HAWKS].

Mr. HAWKS. Mr. Chairman, in our consideration of H. R. 6324, the bill to provide for the more expeditious settlement of disputes with the United States, and for other purposes, I believe it is perfectly sound for us to consider statements of others who have been compelled in the past to view this subject with considerable alarm.

I refer particularly to a report of the Committee on Ministers' Powers, presented by the Lord High Chancelor to Parliament, in April 1932. There are two or three paragraphs in that report that may be quoted:

But disqualifying interest is not confined to pecuniary interest. In *Reginald* v. *Rand* ((1866) L. R. 1 Q. B. 230) the Court of Queen's Bench laid it down that wherever there was a real likelihood that the judge would, from kindred or any other causes, have a bias in favor of one of the parties, it would be very wrong in him to act. In *Rex* v. *Sunderland Justices* ((1901) 2 K. B. 357) this rule was applied by the court of appeal in the case of certain borough justices, who were also members of the borough council and adjudicated in a matter arising out of a proposal which they had actively supported in the council, although their pecuniary interest as trustees for the ratepayers was held insufficient in itself to raise the presumption of bias. "It is hardly necessary to point out," said the master of the rolls, "how very important it is that persons who have to exercise judicial functions with regard to any matter should not lay themselves open to any suggestion of bias on their part."

Indeed we think it is clear that bias from strong and sincere conviction as to public policy may operate as a more serious disqualification than pecuniary interest. No honest man acting in a judicial capacity allows himself to be influenced by pecuniary interest: if anything, the danger is likely to be that through fear of yielding to motives of self-interest he may unconsciously do an injustice to the party with which his pecuniary interest may appear to others to identify him. But the bias to which a public-spirited man is subjected if he adjudicates in any case in which he is interested on public grounds is more subtle and less easy for him to detect and resist.

We are here considering questions of public policy and from the public point of view it is important to remember that the principle underlying all the decisions in regard to disqualification by reason of bias is that the mind of the judge ought to be free to decide on purely judicial grounds and should not be directly or indirectly influenced by, or exposed to the influence of, either motives of self-interest or opinions about policy or any other considerations not relevant to the issue.

We are of opinion that in considering the assignment of judicial functions to Ministers Parliament should keep clearly in view the maxim that no man is to be judge in a cause in which he has an interest. We think that in any case in which the Minister's department would naturally approach the issue to be determined with a desire that the decision should go one way rather than another, the Minister should be regarded as having an interest in the cause. Parliament would do well in such a case to provide that the Minister himself should not be the judge, but that the case should be decided by an independent tribunal.

It is unfair to impose on a practical administrator the duty of adjudicating in any matter in which it could fairly be argued that his impartiality would be in inverse ratio to his strength and ability as a minister.

I believe that this subject of bias, which has not been brought out by this debate so far, should be seriously considered by the Committee. Certainly it has a very definite bearing upon the subject of judicial functions as applied to administrative activities; and that, of course, is the real sense of this bill. It is an effort to maintain constitutional government by recognition of the legislative, administrative, and judicial branches of our Government.

The executive function of planned economy is always delegated to an ever-expanding bureaucracy. There is no tendency in the life of our country that is so antagonistic to the spirit which has always animated us, the spirit responsible for our growth and development; no tendency, let me repeat, so antagonistic as the clutching, deadening hand of bureaucracy. That it is a clutching, deadening hand all history testifies; our own experience of the past 8 years adds its weight to history's verdict. The bibliography is too long for recital here—it carries us back beyond recorded history, without a triumph to relieve the catalog of its disastrous consequences.

There is nothing new in this contest with the forces of bureaucracy. The struggle for freedom from tyranny in thought and speech, from tyranny in religion, in government, and in industry is one of the greatest achievements of the human race. It is a battle that must be waged over and over, it is a conflict of the ages, a struggle to be free. The victories won have been the crowning glory of mankind.

There is no intention to discuss here the history of the foundation of our country; we know the care taken to surround each repository of power with our system of checks and balances. It needs to be said here, in plain words, that good citizenship includes loyalty to that system; and those who do not cherish such loyalty, who do not believe in that system of checks and balances, should find no place in our Government service. There is the shoe, let whom it fits wear it. It is a part of our heritage to maintain through the years the same care that was exercised in our national beginnings.

One would be blind not to recognize the increasing complexities of the life of today. The horse and buggy is gone and we have the automobile, the truck, the bus, the tank, the bomber, the radio, television, and we use a naval destroyer to go fishing. Who could feel any pang for the days that are gone, when we have so many modern gadgets and so many utterly unproductive ways of being busy.

The lawyer of today spends his time piloting his corporate clients through unavoidable mazes of routine—what one of my friends, engaged in a long-drawn-out reorganization the other day, called rigmarole, expressing his wonder that anything in such field is ever accomplished finally.

It is in the atmosphere of rigmarole that bureaucracy proliferates.

If the delegation of some degree of power is unavoidable for the dispatch of public business, the greater the degree in which this is true, the more rigidly must the lines for its exercise be drawn; and the more stern the prohibition against any effort at expansion, encroachment, the creation of more and more rigmarole, and more especially against any confusion as to what is public business and what is not. Here is the crux. Forget it not. Here is the crux: It is our talk, here in the Congress; we must not ask or expect the courts to fight this battle for us.

It is human nature that power tends to consolidate its position, to build bulwarks against every question raised as to possession or its exercise. Unrestrained, this tendency leads to disaster, to the point where society becomes everything, the individual nothing, and freedom evaporates. Encroachment is the very watchword of bureaucracy.

The other day I ran across a purported soliloquy set up to sum up the essence of the faith of the ardent bureaucrat. It parallels so exactly what we have seen develop in the past 8 years that I want to give it to you right here:

1. The business of the Executive is to govern.
2. The only persons fit to govern are experts.
3. The experts in the art of government are the permanent officials, who, exhibiting an anxious and too much neglected virtue, "think themselves worthy of great things, being worthy."

4. But the expert must deal with things as they are. The "four-square man" makes the best of the circumstances in which he finds himself.

5. Two main obstacles hamper the beneficent work of the expert. One is the sovereignty of Parliament, and the other is the rule of law.

6. A kind of fetish worship, prevalent among an ignorant public, prevents the destruction of these obstacles. The expert, therefore, must make use of the first in order to frustrate the second.

7. To this end let him, under parliamentary forms, clothe himself with despotic power, and then, because the forms are parliamentary, defy the law courts.

8. This course will prove tolerably simple if he can:

(a) Get legislation passed in skeleton form.

(b) Fill up the gaps with his own rules, orders, and regulations.

(c) Make it difficult or impossible for Parliament to check the said rules, orders, and regulations.

(d) Secure for them the force of statute.

(e) Make his own decision final.

(f) Arrange that the fact of his decision shall be conclusive proof of its legality.

(g) Take power to modify the provisions of statutes.

(h) Prevent and avoid any sort of appeal to a court of law.

9. If the expert can get rid of the lord chancelor, reduce the judges to a branch of the civil service, compel them to give opinions beforehand on hypothetical cases, and appoint them himself through a businessman to be called Minister of Justice, the coping-stone will be laid.

This quotation is from the New Despotism by Lord Hewart of Bury, Lord Chief Justice of England. It fits the argument so well, I have wondered if it might not be that our new agencies have used it to direct their own lines of procedure. Was not legislation passed in skeleton form? Have the gaps not been filled—to overflowing—with rules, orders, and regulations; and are we not now engaged in the struggle to preserve the rule of law, to see that some of these regulators shall no longer consider themselves above the statutes, and shall no longer show contemptuous disregard for the Congress and the courts.

We confront the question: Can our Republic save itself from the serious faults and dangers which threaten it? Can the people as a whole be trusted to choose wisely their leaders and policies?

We have been told that we were to act as guinea pigs in an economic laboratory, with the promise, never fulfilled, that errors would be frankly acknowledged. We can only make the comment that intelligence is a great time-saver when compared with trial and error, and that the test tube has not shown a single success.

We hear it repeated again and again that we are engaged in making democracy work. Sometimes many of us think the avowal is heard, where is fact it is only lip service, and comes with an ill grace from those who would substitute for democracy the rule of the bureaucrat in appointive office.

The strength and stability of democracies are in direct ratio to their inclusiveness, their breadth of base. Bureaucracies are inverted pyramids, and we have not yet reached the point in this country where we are ready to build, or tolerate, the inverted pyramid resting only upon the governmental agency—delegated power—as its apex.

No person or class, autocrat or bureaucrat, is wise enough or good enough to run the business of everybody in this country, either in the form of open tyranny or under the insidious cloak of delegated power.

You may gather from what I have said, that I am no friend of economic planning or the bureaucracy to put such plans into effect. The planners and the bureaucrats have never understood that it is as useless to attempt to subvert or flout economic law. The historian Taine wrote:

> The economic world, like the physical world, has its laws. We may misunderstand them, but we cannot escape them. Sometimes they act with us, sometimes against us. They may please us, but they never consider us. It is for us to consider them.

When business assumes too large a place and usurps the field of political action, it invites disaster, but it does not extinguish the state. When the state or politics usurps the place of business, of free enterprise, business dies and bureaucracy is the mortician. History records many such funerals.

Let this be remembered when we hear discussions about the iniquities of the economic oligarchy. It is important, more important than appears until given second thought.

The basis of the destruction of democracy has always been the redistribution of wealth. It has been attempted many times. The only result of such would-be crusades has been the destruction of wealth, not its redistribution.

It is essential, then, that we keep our eyes wide open to the persistent drive for centralized control with government by Executive decree. We must be increasingly alert and aggressive in our determination to curb usurpation of the judicial function by Federal bureaus and agencies. We have, in haste, clothed them with power far too sweeping to be placed in the hands of any irresponsible agency.

Turn, if you will, to section 21 (a) of the Securities Exchange Act of 1934, whereby there was established the Securities and Exchange Commission, read it, and try to bear in mind that we are a republic, a republic made up of 48 States, a Nation firm in its faith in the rule of law. If you can read the first sentence without a shudder, it will only mean that you read with the eye alone, seeing the words on the printed page without grasping what they mean.

The first sentence reads:

> The Commission may, in its discretion, make such investigations as it deems necessary to determine whether any person has violated or is about to violate any provision of this title or any rule or regulation thereunder, and may require or permit any person to file with it a statement in writing, under oath or otherwise as the Commission shall determine, as to all the facts and circumstances concerning the matter to be investigated.

Since when has it been possible to bring within the grasp of the law any one—person—believed, by an impersonal agency, to be about to violate some rule or regulation known only to the accuser? If such reading does not call to the mind stories of the tyrannies of the Gestapo of Germany, or the Russian Ogpu, it should. What means the permission granted to—

> any person to file with it a statement in writing, under oath or otherwise * * * as to all the facts and circumstances.

Can you read that as anything but a welcome to informers, despised throughout all history?

Read further and comprehend the unlimited power of an investigator conferred to follow up suspicion, not to gather the evidence where a crime has admittedly been committed, but, if you please, to convict John Doe of the determination to transgress some rule or regulation. The decision, obviously, is not based on the state of John Doe's mind and his intentions, but, upon that of some examiner, some nosey boy who was all set before he started. Read further and find out about that vast power to compel attendance and the production of records, which may, in turn, be delegated to any Johnny-come-lately of an officer designated by it—the Commission—whose jurisdiction covers the entire Nation. Such attendance of witnesses and the production of any such records may be required from any place in the United States or any State, at any designated place of hearing.

Have we, as a people, forsaken our faith in the rule of law, and transferred our allegiance to a despotism minus any benevolence?

Let me digress here, just a moment, to say that it is utterly beside the question, what use may have been made of such power, we are not going to tolerate despotic power, whether abused, or most benevolently used. It was a great Democrat who said:

> The way to success in this great country, with its fair judgments, is to show that you are not afraid of anybody but God and His final verdict.

I am directing your attention to, and asking you to ponder, the Securities and Exchange Act, because it is as a part of the law of the land, a subtle and dangerous threat to our liberties, and I say it does try to impose its rule by fear. I point to the so-called consent decree.

I might also call your attention to the abuses of power by the National Labor Relations Board, the R. E. A., and other governmental agencies set up in direct competition with American citizens engaged in industry. Time will not permit details.

I have discussed this matter in its broader sense, and have tried to keep it on a rather high plane. I believe the framers

of this Walter-Logan bill have given conscientious and serious thought to their fundamental constitutional government, and as one of the authors, the deceased Senator Logan, said:

The sole issue, here presented to Congress, is whether we shall have a government by men or a government by law. There are persons connected with the present administration who believe it ought to be a government by men—so they are rabidly opposed to this bill.

[Applause.]

Mr. WALTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore having resumed the chair, Mr. KERR, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill, H. R. 6324, to provide for the more expeditious settlements of disputes with the United States, and for other purposes, had come to no resolution thereon.

EXTENSION OF REMARKS

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein the Presidential address before the Pan American Union.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, I also ask unanimous consent to extend my remarks in the RECORD by including therein a statement of the Democratic national committeeman and the Republican National committeeman, Messrs. Farley and Hamilton.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein an editorial from the Los Angeles Times.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and to include a statement of certain farm leaders in opposition to the bill, H. R. 8748.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a letter from a constituent regarding the Townsend plan.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein certain editorial comments concerning the plan of the President for the reorganization of the Safety Board and the Civil Aeronautics Authority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. CONNERY, indefinitely, on account of illness.

EXTENSION OF REMARKS

Mr. MURDOCK of Arizona. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

SENATE ENROLLED BILLS SIGNED

The SPEAKER pro tempore announced his signature to enrolled bills of the Senate of the following titles:

S. 1918. An act relating to the retired pay of certain retired Army officers;

S. 2348. An act relating to allowances to certain naval officers stationed in the Canal Zone for rental of quarters;

S. 2599. An act to amend the Naval Reserve Act of 1938 (Public, No. 732, 52 Stat. 1175);

S. 3174. An act to authorize the Secretary of the Navy to accept, without cost to the United States, a fee-simple conveyance of 16.4 acres, more or less, of land at Floyd Bennett Field in the city and State of New York; and

S. 3528. An act authorizing the adoption for the Foreign Service of an accounting procedure in the matter of disbursement of funds appropriated for the Department of State.

ADJOURNMENT

Mr. WALTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 5 minutes p. m.) the House adjourned until tomorrow, Wednesday, April 17, 1940, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold hearings on the following resolution on Wednesday, April 24, 1940:

House Joint Resolution 509, to suspend section 510 (g) of the Merchant Marine Act, 1936, during the present European war. Hearings will be held at 10 a. m.

The Committee on Merchant Marine and Fisheries will hold hearings on the following bill on Tuesday, April 30, 1940:

H. R. 8855, to admit the American-owned steamship *Port Saunders* and steamship *Hawk* to American registry and to permit their use in coastwise and fisheries trade. Hearing will be held at 10 a. m.

COMMITTEE ON THE CIVIL SERVICE

Hearings on boards and courts of appeals bills will begin on Wednesday, April 17, 1940, at 10 a. m., room 246, House Office Building.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds Wednesday, April 17, 1940, at 10 a. m., for the consideration of House Joint Resolution 487. Important. The hearings will be held in room 1501, New House Office Building.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization Wednesday, April 17, 1940, at 10:30 a. m., for the consideration of private bills and unfinished business.

COMMITTEE ON INDIAN AFFAIRS

There will be a meeting of the Committee on Indian Affairs on Wednesday next, April 17, 1940, at 10:30 a. m., for the consideration of H. R. 3048, H. R. 5674, House Joint Resolution 243, S. 1450, and S. 2523.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the bridge subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m., Wednesday, April 17, 1940, for the consideration of H. R. 7864, to authorize the construction of a bridge across the Ohio River at or near Cannelton, Perry County, Ind.

COMMITTEE ON INSULAR AFFAIRS

There will be a meeting of the Committee on Insular Affairs on Thursday, April 18, 1940, at 10 a. m., for the continued consideration of H. R. 8239, creating the Puerto Rico Water Resources Authority, and for other purposes.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1552. A letter from the secretary of Hawaii, transmitting copy of the Journal of the Senate of the Legislature of the

Territory of Hawaii, regular session of 1939; to the Committee on the Territories.

1553. A letter from the Acting Secretary of the Navy, transmitting draft of a proposed bill to provide for the reimbursement of certain officers and enlisted men or former officers and enlisted men of the United States Navy for personal property lost in the hurricane and flood at New London, Conn., on September 21, 1938; to the Committee on Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XXII,

Mr. LEWIS of Colorado: Committee on Rules. House Resolution 466. Resolution providing for the consideration of H. R. 9243, a bill to provide for the promotion of promotion-list officers of the Army after specified years of service in grade, and for other purposes, without amendment (Rept. No. 1963); referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CROSSER:

H. R. 9406. A bill to amend the Interstate Commerce Act, title 49, chapter I, section 1, by adding two paragraphs after paragraph 11 of said section to be known as paragraphs 11a and 11b, pertaining to the supervision of sleeping cars and providing penalties; to the Committee on Interstate and Foreign Commerce.

By Mr. EDELSTEIN:

H. R. 9407. A bill to prohibit the transportation in interstate or foreign commerce of nonkosher meat represented to be kosher meat, and to provide a penalty for its violation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MALONEY:

H. R. 9408. A bill to amend section 601 (c) of the Revenue Act of 1932, as amended; to the Committee on Ways and Means.

By Mr. O'CONNOR:

H. R. 9409. A bill to amend the Pittman-Robertson Act; to the Committee on Agriculture.

By Mr. WEAVER:

H. R. 9410. A bill to provide for restoration of pension to certain dependent parents upon termination of remarriage, and for other purposes; to the Committee on Invalid Pensions.

By Mr. KILBURN:

H. R. 9411. A bill to extend the times for commencing and completing the construction of a bridge across the St. Lawrence River at or near Ogdensburg, N. Y.; to the Committee on Interstate and Foreign Commerce.

By Mr. COOLEY:

H. R. 9412. A bill to amend the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

H. R. 9413. A bill to amend the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

H. R. 9414. A bill to amend the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

H. R. 9415. A bill to amend the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

H. R. 9416. A bill to amend the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

H. R. 9417. A bill to amend the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS:

H. R. 9418. A bill for the relief of the Eberhart Steel Products Co., Inc.; to the Committee on Claims.

By Mr. RUTHERFORD:

H. R. 9419. A bill granting an increase of pension to Grace Brown; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7461. By Mr. GWYNNE: Petition of numerous citizens of the Third Iowa District, urging enactment of House bill 1, known as the Patman chain-store tax bill; to the Committee on Ways and Means.

7462. Also, petition of sundry citizens of the Third Iowa District, urging enactment of House bill 944, known as the wool-labeling bill; to the Committee on Interstate and Foreign Commerce.

7463. Also, petition of sundry citizens of the Third Iowa District, urging enactment of House bill 1, known as the Patman chain-store tax bill; to the Committee on Ways and Means.

7464. By Mr. HART: Petition of the State of New Jersey Board of Commerce and Navigation, Newark, N. J., requesting that favorable consideration be given to the adoption of a plan of flood control for the Passaic River Valley; to the Committee on Flood Control.

7465. By Mr. VAN ZANDT: Petition of the Polish Society of Brotherly Help of Du Bois, Pa., expressing approval of the loan of $15,000,000 for the benefit of the suffering people of Poland; to the Committee on Foreign Affairs.

7466. Also, petition of the Polish National Alliance, Group No. 974, of Du Bois, Pa., expressing approval of the loan of $15,000,000 for the benefit of the suffering people of Poland; to the Committee on Foreign Affairs.

7467. Also, petition of the Polish Citizens Club of Du Bois, Pa., expressing approval of the loan of $15,000,000 for the benefit of the suffering people of Poland; to the Committee on Foreign Affairs.

7468. By the SPEAKER: Petition of the International Workers Order (Russian Section, Branch No. 3109), Philadelphia, Pa., petitioning consideration of their resolution with reference to the Dies committee; to the Committee on Rules.

7469. Also, petition of the Terre Haute Musicians Protective Association, Local No. 25, Terre Haute, Ind., petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

7470. Also, petition of the Architectural and Engineering Guild, Local 66, New York, N. Y., petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

7471. Also, petition of the Workers Alliance of America, Local Group No. 1270, Chester, Pa., petitioning consideration of their resolution with reference to the Dies committee; to the Committee on Rules.

7472. Also, petition of the International Workers Order, Philadelphia Branch, city of Bridgeport, Conn., petitioning consideration of their resolution with reference to the Dies committee; to the Committee on Rules.

7473. Also, petition of the Amalgamated Association of Street and Electric Railway Employees of America, Division 995, Bus Drivers, Indianapolis, Ind., petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

SENATE

WEDNESDAY, APRIL 17, 1940

(Legislative day of Monday, April 8, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Lord of all power and might, in whose hands are the lives of men and their true destiny: Grant unto us, Thy servants, the pardoning grace of Thy forgiveness, and cleanse us from our sins, for we have made resolves in sacred moments of reflection that have not borne fruit in our relations with each